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**PRELIMINARY DRAFT**  
**No. 3771**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2005 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** IC 20-23.

**Synopsis:** Title 20 recodification. Article 23 (New cite order, with queries).

**Effective:** July 1, 2005.



A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-23 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**ARTICLE 23. ORGANIZATION OF SCHOOL CORPORATIONS**

**Chapter 1. County Boards of Education**

[20-2-1-1] Sec. 1. (a) The township trustees of each ~~and every~~ township of each county ~~shall constitute~~ **constitutes** a county board of education.

(b) The board shall meet monthly at the office of the county superintendent of schools and at ~~such~~ other times as the county superintendent of schools ~~may deem~~ **considers** necessary.

(c) At the January meeting of each year, the board shall organize by electing a vice president and a secretary from ~~its~~ **the board's** membership. The county superintendent of schools: ~~shall be~~

(1) **is** ex officio the ~~chairman~~ **chairperson** of the board; and

(2) **shall act as administrator of the board, carrying out the acts and duties designated by the board.**

(d) The secretary of the board shall keep an accurate record of the minutes of the board. ~~which~~ **The** minutes shall be kept at the county superintendent's office. ~~The county superintendent shall act as administrator of the board and shall carry out such acts and duties as shall be designated by the board.~~

(e) A quorum ~~shall consist~~ **consists** of a number **of members** equal to the number of township schools under the administration of ~~a~~ **the** county superintendent of schools. ~~provided, that no~~ **However,** business may **not** be transacted unless a majority of the trustees of the township schools under the administration of the county superintendent of schools is present. Business shall be transacted and the acts of the board ~~shall~~ become effective by a two-thirds (2/3) majority vote of members present on ~~problems~~ **matters** coming before the board.



(f) ~~The powers granted the county board of education under This chapter however, shall may not otherwise be construed as granting such the board any authority whatsoever over:~~

(1) the selection or employment of any of the personnel or employees; or

(2) the purchase of supplies;

~~in any of the schools of the individual townships: a township school.~~

~~(b)~~ (g) **Upon nomination by the county superintendent of schools and with the approval of two-thirds (2/3) of the members,** the county board of education shall enter into a written ~~contract~~ **contracts** with such additional administrative and supervisory employees who ~~shall serve~~ **are necessary for the proper administration and supervision of the county school system** and the township schools of the county. ~~as shall; in the judgment of two-thirds (2/3) of the members of said board; be necessary for the proper administration and supervision of the county school system.~~

(h) **Except as provided in subsection (i), funds for the salaries of such persons and supplies for such persons' use persons employed under this section** shall be provided in the same manner as ~~now provided by law~~ for the fixing and appropriation of the salaries of the county superintendent of schools. ~~except in the case of~~

(i) ~~The salary or fee of a school attorney whose salary or fee,~~ related to performing the duties of ~~his the attorney's~~ office may in part be paid directly from the school fund. ~~Such Additional persons as are employed for the necessary administration and supervision of the county school system shall be nominated by the county superintendent of schools and approved by a vote of at least two-thirds (2/3) of the members of the county board of education.~~

(j) The county board of education shall make decisions ~~as to concerning~~ the general conduct of the schools, which shall be enforced as entered upon the minutes recorded by the secretary of the board.

(k) ~~It shall be the duty of~~ The county board of education:

(1) **shall receive** through its treasurer ~~to receive~~ from the state of Indiana such sums of money ~~as are~~ provided and distributed from the state school tuition fund for teaching units ~~as provided by law,~~ for those employed by the county board of education; and ~~shall be deemed~~

(2) **is considered** to fulfill all requirements of a school corporation for receiving ~~such the~~ funds from the state school tuition fund.

(l) The county treasurer ~~shall be~~ **is** ex officio treasurer of the county board of education, eligible to receive the distribution of funds from the state of Indiana. ~~which~~ Funds **received under this section** shall be credited to the county revenue fund as a receipt against the estimated expenditures for the salaries of the school employees, for which distribution was made by the state.



[20-2-1-2] Sec. 2. The county board of education by a majority vote of the members of the board shall appoint a county superintendent of schools who ~~shall serve~~ **serves** for a term of four (4) years. ~~The first such appointment under this chapter shall be made in accordance with law during the first fifteen (15) days of May 1953 and each four (4) years thereafter, to be effective August 16, 1953; and~~ The board shall fill vacancies in this office, in accordance with law, by appointment. ~~which shall expire~~ **An appointment to fill a vacancy under this section expires** at the end of the regular term of the superintendent.

[20-2-1-4] Sec. 3. ~~Sec. 4. Nothing in~~ This chapter ~~shall~~ **may not** be construed to affect the status of or to interfere in any way with any a county school corporation created by ~~the action of a county boards~~ **board** of education pursuant to ~~under IC 20-2-2-3; IC 20-23-1-9.~~

[20-2-2-1] Sec. 4. ~~Sec. 1. Such~~ **(a) A** county superintendent of schools shall see that the full amount of interest on the school fund is paid and apportioned.

~~and~~ **(b)** When there is a deficit of interest of any school fund, or loss of any school fund or revenue by the county, ~~the county superintendent of schools shall see~~ that proper warrants are issued for the reimbursement of the ~~same; appropriate fund. but no per cent beyond what is provided for herein and allowed shall in any case be paid him by said board of commissioners. However, the board of commissioners may not pay interest that exceeds the amount provided under this chapter to the county superintendent of schools.~~

[20-2-1-2] Sec. 5. ~~Sec. 2. The county board of education by a majority vote of the members of the board shall appoint a county superintendent of schools who shall serve~~ **serves** for a term of four (4) years. ~~The first such appointment under this chapter shall be made in accordance with law during the first fifteen (15) days of May 1953 and each four (4) years thereafter, to be effective August 16, 1953; and~~ The board shall fill vacancies in this office, in accordance with law, by appointment. ~~which shall expire~~ **An appointment to fill a vacancy under this section expires** at the end of the regular term of the superintendent.

[20-2-1-4] Sec. 6. ~~Sec. 4. Nothing in~~ This chapter ~~shall~~ **may not** be construed to affect the status of or to interfere in any way with any a county school corporation created by ~~the action of a county boards~~ **board** of education pursuant to ~~under IC 20-2-2-3; IC 20-23-1-9.~~

[20-2-2-1] Sec. 7. ~~Sec. 1. Such~~ **(a) A** county superintendent of schools shall see that the full amount of interest on the school fund is paid and apportioned. ~~and~~

**(b)** When there is a deficit of interest of any school fund, or loss of any school fund or revenue by the county, ~~the county superintendent of schools shall see~~ that proper warrants are issued for the reimbursement of the ~~same; appropriate fund. but no per cent beyond~~



what is provided for herein and allowed shall in any case be paid him by said board of commissioners. However, the board of commissioners may not pay interest that exceeds the amount provided under this chapter to the county superintendent of schools.

[20-2-2-2] Sec. 8. ~~Sec. 2.~~ (a) The official dockets, records, and books of account of the ~~clerks of the courts, county auditor, county commissioners, prosecuting attorneys, mayors of cities, and township and school trustees~~ shall **following officers serving in the county must** be open at all times to the inspection of the county superintendent:

(1) Clerks of the courts.

(2) County auditor.

(3) County commissioners.

(4) Prosecuting attorneys.

(5) Mayors of cities.

(6) Township trustees.

(7) School trustees.

(b) Whenever the county superintendent finds that any of the officers described in subsection (a) have neglected or refused to collect and pay over interest, fines, forfeitures, licenses, or other claims due the school funds and revenues of the state, or have misapplied the school funds or revenues in their possession, the county superintendent shall:

(1) institute suit in the name of the state for the recovery of the money for the benefit of the school fund or revenues; and ~~make~~

(2) report ~~of filing~~ the suit to the board of county commissioners and to the state superintendent. ~~of public instruction.~~

[20-2-2-3] Sec. 9. ~~Sec. 3.~~ (a) The township trustees of each ~~and every~~ township of each county shall perform all the civil functions performed before March 13, 1947, by ~~such the~~ township trustees. ~~and together with other~~ The township trustees of the county shall constitute a county board of education for the purpose of managing the affairs of the county school corporation ~~hereby~~ created **under this section** in each ~~such~~ county.

(b) School cities and school towns shall retain independent organization and administration unless abandoned as provided by law. ~~and~~ The county school corporation, ~~also~~ referred to in this chapter as the county, ~~shall include~~ **includes** all areas not organized on March 13, 1947, ~~under the laws of this state~~ into jurisdictions controlled and governed as school cities or school towns. ~~Said~~

(c) A county board of education may be referred to ~~interchangeably~~ as the county board of school trustees and as the board. ~~Said~~ The board shall meet:

(1) at ~~such the~~ time ~~as the board shall designate~~ **designates** at the office of the county superintendent of schools; and



(2) at ~~such~~ other times and places as the county superintendent of schools ~~may deem~~ **considers** necessary.

(d) At the first meeting of each year, to be held on the first Wednesday after the first Monday in January, the board shall organize by selecting a president, a vice president, a secretary, and a treasurer from its membership. ~~Provided; however; that~~

(e) ~~No later than April 12, 1947, it shall be the duty of~~ The county superintendent of schools ~~to shall~~ call ~~said the~~ board into special session. ~~and~~ Unless the county board of education ~~shall elect~~ **elects** to have ~~the provisions of~~ this section remain inoperative, ~~under provisions that may be included within this section;~~ **said the** board shall ~~so~~ organize itself. ~~except that~~ The failure of the county superintendent of schools to call the county board of education into session ~~within the prescribed limits of~~ **under** this section ~~shall may~~ not be construed to mean that a county school corporation ~~as described in this section shall be brought into is in~~ existence in ~~such the~~ county, and no such county school corporation shall be brought into existence until the board has met in special session ~~subsequent to~~ **after** March 13, 1947, and has taken action to organize itself into a county school corporation, after consideration of the question **of** whether it should elect to have the provisions of this section remain inoperative. ~~under provisions that may be included within this section.~~ **Such The** organization, ~~when and if effected, shall must~~ be:

(1) filed with the county auditor; and ~~shall be~~

(2) published by ~~said the~~ auditor in two (2) newspapers of different political persuasions of general circulation throughout the county within ten (10) days after ~~such the~~ filing. ~~and such~~

**The organization shall be deemed is considered** to fulfill ~~all~~ the requirements of this section for the transacting of public business under this section. The secretary of the board shall keep an accurate record of the minutes of the board, which ~~minutes~~ shall be kept at the county superintendent's office. The county superintendent shall act as administrator of the board and shall carry out such acts and duties as shall be designated by the board. A quorum ~~shall consist~~ **consists** of two-thirds (2/3) of the members of the board. **[QUERY - CAN THIS SUBSECTION BE REPEALED? CHECK WITH DOE/ISBA.]**

~~(b)~~ (f) The board shall:

(1) make decisions as to the general conduct of the schools ~~which shall that may~~ be enforced as entered ~~upon in~~ the minutes recorded by the secretary of the board; and ~~shall~~

(2) exercise all powers exercised before March 13, 1947, ~~under the law;~~ by or through township trustees or meetings or petitions of the trustees of the county.

~~(c)~~ (g) The board shall appoint a county superintendent of schools who ~~shall serve for~~ **serves** a term of four (4) years. ~~The first such appointment under this section shall be made in accordance with law~~



in June 1949, to become effective August 16, 1949, and thereafter The board shall fill vacancies in this office by appointments ~~which shall~~ **that** expire at the end of the regular term. The county superintendent of schools and other persons employed for administrative or supervisory duties ~~shall be deemed~~ **are considered** to be supervisors of instruction.

~~(d)~~ **(h)** The government of the common schools of the county ~~shall~~ **be is** vested in the board. ~~and The board shall function with all~~ **has** the authority, powers, privileges, duties, and obligations granted to or required of school cities before March 13, 1947, and school towns and their governing boards generally ~~under the laws pertaining thereto~~ with reference to **following**:

- (1) The purchase of supplies.
- (2) ~~The~~ purchase and sale of buildings, grounds, and equipment.
- (3) The erection of buildings.
- (4) The employment and dismissal of school personnel.
- (5) The right and power to sue and be sued in the name of the county.
- (6) The insuring of property and employees.
- (7) The levying and collecting of taxes.
- (8) The making and executing of a budget.
- (9) The borrowing of money.
- (10) The paying of the salaries and expenses of the county superintendent and employees as approved by the board. ~~and to~~
- (11) Any act necessary to the proper administration of the common schools of the county.

~~(e)~~ **(i)** ~~Such A school corporations shall be vested with corporation~~ **organized under this section:**

- (1) ~~has~~ all right, title, and interest of ~~their respective the~~ predecessor township school corporations ~~hereby terminated~~ **under this section** to and in all the real, personal, and other property of any nature and from whatever source derived; and
- (2) shall assume, pay, and be liable for all the indebtedness and liabilities of the ~~same~~ **predecessor school corporation.**

~~(f)~~ **(j)** The treasurer, before entering upon the duties of ~~his~~ **treasurer's** office, shall execute a bond to the acceptance of the county auditor in an amount equal to the largest sum of money that will be in the possession of the treasurer at any one **(1)** time conditioned as an ordinary official bond, with a reliable surety company or at least two (2) sufficient freehold sureties, who ~~shall may~~ not be members of ~~such~~ **the board**, as surety or sureties on ~~such the treasurer's~~ bond.

**(k)** The president and secretary shall each give bond, with ~~like a~~ surety or sureties **described in subsection (j)**, to be approved by the county auditor, in the sum of one-fourth (1/4) of ~~said the~~ **required of the treasurer under subsection (j). Provided, that such boards A board** of school trustees may purchase ~~said~~ bonds from ~~some~~



a reliable surety company and pay for them out of the special school revenue of ~~their respective counties~~. **the board's county.**

~~(g)~~ **(l)** The powers set forth in this section ~~shall~~ **may** not be considered as or construed to limit the ~~power and~~ authority of ~~such boards a board~~ to the powers ~~therein~~ expressly conferred **in this section** or to restrict or modify any ~~powers or~~ authority granted by any other law not in conflict with ~~the provisions of~~ this section.

~~(h)~~ Every ~~such~~ **(m)** A board ~~shall have, as respects the levy of taxes by it, power may~~ annually to levy ~~such the~~ amount of taxes ~~as that~~ in the judgment of ~~such the~~ board, made matter of record in ~~its the~~ **board's** minutes, ~~should be levied to is necessary to~~ produce income sufficient to conduct and carry on the common schools committed to ~~such the board. and it is hereby made the duty of such board~~

**(n)** A board shall annually ~~to~~ levy a sum sufficient to meet all payments of principal and interest as they ~~will~~ mature in the year for which ~~such the~~ levy is made on the bonds, notes, or other obligations of ~~such the~~ board. The power of ~~such the~~ board ~~in so making to~~ **impose** tax levies shall be exercised within statutory limits and ~~said the~~ levies ~~shall be~~ **are** subject to the same review as school city and school town levies.

## **Chapter 2. County Superintendent of Schools**

[20-2-4-1] Sec. 1. **(a)** The township trustees of each county ~~of this state~~ shall meet at the office of the auditor of ~~their the~~ county on the first Monday in June, ~~1917, 2005~~, at ten o'clock a.m., and every four (4) years thereafter and elect by ballot a county superintendent for ~~their the~~ county. ~~Such~~ **The** county superintendent **elected by the township trustees** shall enter upon the duties of ~~his the~~ office on August ~~sixteenth 16~~ following and, unless sooner removed, ~~shall hold his holds~~ the office until ~~his a~~ successor is elected and qualified.

**(b)** Before entering upon the duties of ~~his the~~ office, ~~he the~~ **superintendent elected under subsection (a)** shall:

**(1)** subscribe and take an oath to perform faithfully ~~such the~~ **superintendent's** duties according to law; **and**

~~which oath shall be filed~~ **(2) file the oath** with the county auditor.

**(c)** ~~He~~ **The superintendent** shall ~~also~~ execute, in the manner prescribed by IC 5-4-1, a bond conditioned upon the faithful discharge of ~~his the~~ **superintendent's** duties.

**(d)** The county auditor shall report the name and ~~post-office~~ **address** of the person ~~so~~ elected **under subsection (a)** to the state superintendent. ~~of public instruction.~~

**(e)** ~~Whenever~~ **If** a vacancy ~~may occur~~ **occurs** in the office of county superintendent, the ~~said~~ township trustees **of the county**, on at least three (3) days notice given by the county auditor, shall assemble at ten o'clock a.m., on the day designated in ~~such the~~ notice, at the office of ~~such the~~ auditor, and fill ~~such the~~ vacancy by ballot for the unexpired term.





(f) In all elections of a county superintendent, the county auditor ~~shall be~~ is the clerk of ~~such the~~ election, and in case of a tie vote, the auditor ~~shall cast~~ casts the deciding vote. ~~In case any~~ If one (1) candidate ~~shall receive~~ receives a number of votes equal to one-half (1/2) of all the trustees of the county, the county auditor shall then and at all subsequent ballots cast ~~his the auditor's~~ vote with the trustees until ~~some a~~ candidate ~~shall receive~~ receives a majority of all the votes in the county, including the county auditor. ~~Such~~ The county auditor shall keep a record of ~~such the~~ election in a book kept for that purpose.

[20-2-4-2] Sec. 2. ~~In the event~~ If there is an election of a county superintendent of schools ~~pursuant to the provisions of~~ under section ~~† 1(a)~~ of this chapter, and the person ~~so~~ elected dies or fails, refuses, or neglects to assume the duties of the office on or before August 16 of the year of ~~his the~~ election, the township trustees shall:

(1) as soon as ~~practical thereafter,~~ possible declare a vacancy in the office of county superintendent of schools; and ~~they shall~~

(2) immediately hold another election to elect a county superintendent of schools ~~pursuant to the provisions of~~ under section ~~† 1(a)~~ of this chapter.

[20-2-4-3] Sec. 3. ~~Any~~ (a) A county superintendent may be impeached for immorality, incompetency, or general neglect of duty, or for acting as agent for the sale of any textbook, school furniture, maps, charts, or other school supplies.

~~and such~~ (b) Impeachment proceedings ~~shall in all things be~~ are governed by the provisions of law ~~now in force~~ for impeaching county officers.

[20-2-4-4] Sec. 4. (a) The county superintendent ~~shall have~~ has the general superintendence of the schools of ~~his the superintendent's~~ county. ~~He The superintendent~~ shall attend each township ~~institute~~ school at least once ~~in during~~ each school year, and as often thereafter as possible, and preside over and conduct ~~its the school's~~ exercises. ~~He The superintendent~~ shall visit schools while ~~they the schools~~ are in session, for the purpose of increasing ~~their the schools'~~ usefulness and elevating, as far as practicable, the poorer schools to the standard of the best. ~~He The superintendent~~ shall conduct teachers' institutes and encourage other like associations, and shall labor, in every practicable way, to elevate the standard of teaching and to improve the condition of the schools of ~~his the superintendent's~~ county.

(b) This subsection does not apply to a dispute concerning:

(1) the legality of school meetings;

(2) the establishment of schools;

(3) the location, building, repair, or removal of school buildings;

(4) the transfer of individuals for school purposes; or

(5) the resignation or dismissal of teachers.

In all controversies of a general nature arising under the school law, the



1 decision of the county superintendent ~~shall must~~ first be obtained. ~~and~~  
 2 then An appeal ~~except on local questions relating to the legality of~~  
 3 ~~school meetings, establishment of schools, and the location, building,~~  
 4 ~~repair, or removal of school houses, or transfer of persons for school~~  
 5 ~~purposes, and resignation and dismissal of teachers, may be taken from~~  
 6 ~~his the county superintendent's~~ decision to the state superintendent  
 7 ~~of public instruction~~ on a written statement of facts, certified to by ~~such~~  
 8 ~~the~~ county superintendent. ~~Nothing in~~

9 (c) This chapter ~~however, shall may not~~ be construed so as to  
 10 change or abridge the jurisdiction of any court in cases arising under  
 11 the school laws of ~~this state, and Indiana~~. The right of any person to  
 12 bring suit in any court, in any case arising under the school laws, ~~shall~~  
 13 ~~is not be~~ abridged by the provisions of this chapter.

14 (d) ~~He The~~ county superintendent shall at all times carry out the  
 15 orders and instructions of the state board of ~~education~~ and the state  
 16 superintendent of ~~public instruction~~, and ~~shall constitute constitutes~~  
 17 the medium between ~~such the~~ state superintendent and subordinate  
 18 school officers and the schools.

19 [20-2-4-5] Sec. 5. City schools ~~however, having duly that have~~  
 20 appointed superintendents ~~shall be are~~ exempt from the general  
 21 superintendence ~~authorized by under~~ this chapter upon a written  
 22 request of the school boards ~~board of said cities that such supervision~~  
 23 ~~be not extended to such cities by the county superintendent: the city.~~

24 [20-2-4-7] Sec. 6. ~~Sec. 7:~~ The board of county commissioners shall:

25 (1) provide and furnish an office for the county superintendent; ~~of~~  
 26 ~~their county, and~~

27 (2) allow and pay all costs incurred by ~~him the county~~  
 28 ~~superintendent~~ for postage, stationery, and records in carrying  
 29 out the provisions of this chapter, upon ~~his making to them~~  
 30 satisfactory proof thereof: ~~of the costs incurred submitted by~~  
 31 ~~the county superintendent.~~

32 The county superintendent shall be paid for ~~his the county~~  
 33 ~~superintendent's~~ services the sum of four dollars (\$4) per day. ~~for the~~  
 34 ~~time actually employed:~~ [QUERY: Strike the last sentence in Trailer  
 35 Bill?]

36 [20-2-5-1] Sec. 7. ~~Sec. 1:~~ No person shall be eligible to or shall (a)  
 37 An individual may not hold the office of county superintendent of  
 38 schools ~~who has not had unless the individual:~~

39 (1) has at least five (5) years successful experience as a teacher  
 40 in the public schools; and ~~who does not hold;~~

41 (2) holds, at the time of ~~his the person's~~ election, a first or  
 42 second grade superintendent's license. ~~Provided, that nothing in~~

43 (b) This chapter ~~shall does not:~~

44 (1) apply to; or

45 (2) disqualify; ~~any~~

46 ~~an~~ incumbent of the office of county superintendent. [QUERY - IS



1 SUB (b) STILL NECESSARY?]

2 [20-2-5-2] Sec. 8. ~~Sec. 2:~~ (a) The county superintendent of schools  
3 ~~may be~~ is entitled to receive as actual traveling expenses in discharging  
4 the duties of his office ~~the a~~ sum of not to exceed three hundred dollars  
5 (\$300) per year. ~~and a~~

6 (b) ~~The county council may annually appropriate an amount~~  
7 ~~sufficient amount to pay such the expenses so incurred may be~~  
8 ~~appropriated annually by the county council described in subsection~~  
9 ~~(a). and shall be allowed by the~~

10 (c) ~~The board of county commissioners must allow an amount~~  
11 ~~appropriated under subsection (b).~~

### 12 Chapter 3. School Townships

13 [20-2-8-1] Sec. 1. (a) ~~Each and every~~ township that ~~now is or may~~  
14 ~~hereafter be~~ organized in ~~any a~~ county in ~~this state~~ Indiana is ~~hereby~~  
15 ~~also~~ declared to be a school township. ~~and; as such, to be~~

16 (b) ~~Each school township is~~ a body politic and corporate, by the  
17 name and style of " \_\_\_\_\_ School \_\_\_\_\_ township of \_\_\_\_\_  
18 county", according to the name of the township and of the county in  
19 which the ~~same may be school township is~~ organized. ~~and; by such~~  
20 ~~name;~~

21 (c) A school township may:

22 (1) contract and may be contracted with; and

23 (2) sue and be sued;

24 in the name of the school township in ~~any a~~ court ~~having with~~  
25 ~~competent~~ jurisdiction.

26 [20-2-9-1] Sec. 2. ~~Sec. 1:~~ (a) The school trustees shall:

27 (1) take charge of the educational affairs of their respective  
28 townships, towns, and cities; ~~They shall~~

29 (2) employ teachers;

30 (3) establish and locate conveniently a sufficient number of  
31 schools for the education of the children; ~~therein;~~ and

32 (4) build, or otherwise provide, suitable houses, furniture,  
33 apparatus, and other articles and educational appliances necessary  
34 for the thorough organization and efficient management of the  
35 schools. ~~Such~~

36 The school trustees may ~~also~~ establish and maintain, ~~in their respective~~  
37 ~~corporations;~~ as near the center of the township as seems wise, at least  
38 one (1) separate graded high school, to which **sufficiently advanced**  
39 **students** shall be admitted. ~~all pupils who are sufficiently advanced.~~

40 (b) The school trustees of two (2) or more school corporations may  
41 establish and maintain a joint graded high ~~school(s) school or joint~~  
42 **graded high schools** ~~in lieu instead~~ of separate graded high schools.  
43 ~~and when so done; they If:~~

44 (1) a joint graded high school is; or

45 (2) joint graded high schools are;

46 established, the participating school corporations are jointly ~~shall~~



1 ~~have responsible for~~ the care, management, and maintenance ~~thereof~~.  
 2 ~~of the school or schools. Any~~

3 (c) A trustee, instead of building a separate graded high school for  
 4 the trustee's township, shall transfer the ~~pupils~~ **students** of the trustee's  
 5 township competent to enter a graded high school to another school  
 6 corporation. ~~No such~~

7 (d) A graded high ~~schools shall~~ **school may not** be ~~so~~ built unless  
 8 there are, at the time ~~such house the~~ **graded high school** is built, at  
 9 least twenty-five (25) common school [QUERY: This term isn't  
 10 **defined**] graduates of school age residing in the township.

11 [20-2-9-2] Sec. 3. ~~Sec. 2: Said school~~ (a) School trustees shall  
 12 maintain in each school corporation a term of school at least six (6)  
 13 months in duration. ~~and~~ [QUERY - IS THIS SUPERSEDED BY  
 14 20-10.1-2-2 REQUIREMENT OF A MINIMUM SCHOOL TERM OF  
 15 9 MONTHS?]

16 (b) School trustees shall authorize a local tuition levy, **not to**  
 17 **exceed the limit provided by law, that is** sufficient to conduct a six  
 18 (6) ~~months~~ **month** term of school each year. **The levy must be** based  
 19 on estimates and receipts from all sources for the previous year. ~~which~~  
 20 **Receipts from the previous year** may include ~~that~~ **amounts** received  
 21 from the state's tuition revenue. ~~Provided; Such levy shall not exceed~~  
 22 ~~the limit now provided by law.~~

23 [20-2-9-3] Sec. 4. ~~Sec. 3: Said school~~ (a) School trustees ~~shall~~ have  
 24 the care and management of all **real and personal** property ~~real and~~  
 25 ~~personal~~, belonging to their respective corporations for common school  
 26 purposes. ~~except the~~ **However**, congressional township school lands  
 27 ~~which lands shall be~~ **are** under the care and management of the trustees  
 28 of the civil township to which ~~such the~~ lands belong.

29 ~~Said school~~ (b) School trustees shall provide ~~such janitor~~ **janitorial**  
 30 help ~~as may be~~ deemed necessary to properly care for the schools and  
 31 premises under ~~their the~~ **school trustees'** control. ~~and such janitors~~

32 (c) Each janitor provided by the trustees under subsection (b)  
 33 shall be paid from the special school funds of the township.

34 [20-2-9-4] Sec. 5. ~~Sec. 4:~~ Each township trustee in operating a  
 35 school lunch program may use either of the following accounting  
 36 methods:

37 (1) ~~He~~ **The township trustee** may supervise and control the  
 38 program through its school corporation account **by** establishing  
 39 a school lunch fund.

40 (2) ~~He~~ **The township trustee** may have the program operated by  
 41 the individual schools of the school corporation through the  
 42 school corporation's extracurricular account or accounts under  
 43 IC 20-5-7[??].

44 [20-2-9-5] Sec. 6. ~~Sec. 5:~~ Each township trustee in operating a  
 45 textbook rental program may use either of the following accounting  
 46 methods:



(1) ~~He~~ **The township trustee** may supervise and control the program through its school corporation account **by** establishing a textbook rental fund.

(2) ~~Where~~ **If** no textbooks have been purchased and no financial commitments or guarantees for these purchases have been made by the school corporation, the township trustee may have this program operated by the individual schools of the school corporation through the school corporation's extracurricular account or accounts under IC 20-5-7[??].

[20-2-9-6] Sec. 7. ~~Sec. 6:~~ (a) ~~Where~~ **If** a school lunch fund or a textbook rental fund is created under section ~~4 5~~ or ~~section 5 6~~ of this chapter, the receipts and expenditures for each program ~~shall~~ **must** be made to and from the proper fund without appropriation or the application of other laws relating to the budgets of local government units.

(b) ~~Where~~ **If** either **program** or both programs under ~~section sections 4 5~~ and ~~section 5 6~~ of this chapter are ~~handled~~ **operated** through the extracurricular account, the township trustee shall approve the amount of the bond of the treasurer of the extracurricular account in an amount ~~he the township trustee~~ considers ~~protects~~ **necessary to protect** the account for all funds coming into the hands of ~~that the~~ treasurer.

[20-2-9-7] Sec. 8. ~~Sec. 7:~~ An educational program under this chapter ~~shall~~ **must** include a kindergarten program that is at least a half day program.

#### **Chapter 4. Community School Corporations**

[20-4-1-1] Sec. 1. It is the sense of the ~~Indiana~~ general assembly:

(1) that the establishment and maintenance of a general, a uniform, and **an** efficient system of public schools is the traditional and current policy of the state; ~~of Indiana;~~

(2) that improvement in the organization of school corporations of the state will:

(A) provide a more equalized educational opportunity for public school ~~pupils;~~ **students; will**

(B) achieve greater equity in school tax rates among the ~~inhabitants of the various now~~ existing school corporations; and ~~will~~

(C) provide a more effective use of the public funds expended for the support of the public school system;

(3) that existing statutes with respect to the combination and the reorganization of school corporations are inadequate to effectuate the needed improvement;

(4) that modifications in the **statutory** provisions for the combination and the reorganization of school corporations ~~provided~~ in this chapter are necessary in order to assure the future maintenance of a uniform and **an** efficient system of public



schools in the state;

(5) that local electors:

(A) have an interest in the boundaries of the school corporation in which they reside; and

(B) will exercise their privileges, as provided in this chapter, to ~~the end of establishing~~ **establish** an efficient and economical reorganization plan best suited to local conditions; and

(6) that:

(A) the state board; ~~of education; and~~

(B) the:

(i) committees; and ~~the~~

(ii) public officers;

charged with authority under this chapter;

will perform their duties wisely in view of the objective of this chapter as set forth in the title of this chapter.

[20-4-1-2] Sec. 2. This chapter: ~~shall be~~

(1) ~~is~~ known; and

(2) may be cited;

as The School Corporation Reorganization Act of 1959.

[20-4-1-3] Sec. 3. As used in this chapter, unless context clearly requires otherwise: ~~the following terms shall have the meanings set forth:~~

(1) "School corporation" shall mean and include all local school corporations in the state of Indiana:

(2) "Reorganization of school corporations" shall mean and include the formation of new school corporations; the alteration of the boundaries of established school corporations; and the dissolution of established school corporations through or by: means of:

(a) the uniting of two (2) or more established school corporations;

(b) the subdivision of one (1) or more school corporations;

(c) the transfer to any established school corporation of a part of the territory of one (1) or more school corporations; ~~or the attachment thereto of all or any part of the territory of one (1) or more school corporations; or the transfer of said established school corporation; and~~

(d) any combination of the methods listed in subdivisions (a) through (c):

(3) "Community school corporation" shall mean a school corporation proposed to be formed or formed under the provisions of this chapter; and shall include a united school corporation as defined in this section:

(4) "United school corporation" shall mean a school corporation having territory in two (2) or more adjacent counties:



(5) "Administrative unit" shall mean a school corporation comprising all the area under a single system of local administration and under the control of a local board of education; board of school trustees; or board of school commissioners.

(6) "Attendance unit" or "school unit" shall mean the geographical and population area served by a single school; consisting of part; or all; of an administrative unit.

(7) "County committee" or "committee" shall mean the county committee for the reorganization of school corporations provided for in section 5 through 14 of this chapter.

(8) "State board" or "board" shall mean the Indiana state board of education.

(9) "State department" shall mean the state department of education.

(10) "State superintendent" shall mean the state superintendent of public instruction.

(11) "County superintendent" shall mean the county superintendent of schools.

(12) "Party" includes any person; firm; limited liability company; corporation; association; or municipality interested in any proceedings under the provisions of this chapter.

(13) "School aid bonds" shall mean any bonds of a civil unit of government the proceeds of which were used for school purposes in any school corporation.

(1) "attendance unit" or "school unit" means the area of an administrative unit served by a single school;

(2) "community school corporation" means a school corporation:

(A) proposed to be formed; or

(B) formed;

under this chapter, including a united school corporation;

(3) "county committee" or "committee" means the county committee for the reorganization of school corporations provided for in sections 5 through 11 of this chapter;

(4) "county superintendent" means the county superintendent of schools;

(5) "party" includes:

(A) a person;

(B) a firm;

(C) a limited liability company;

(D) a corporation;

(E) an association; or

(F) a municipality;

interested in proceedings under this chapter;

(6) "reorganization of school corporations" means the formation of new school corporations, the alteration of the



boundaries of established school corporations, and the dissolution of established school corporations by:

(A) the uniting of two (2) or more established school corporations;

(B) the subdivision of one (1) or more school corporations;

(C) the transfer to a school corporation of a part of the territory of one (1) or more school corporations;

(D) the attachment to a school corporation of all or part of the territory of one (1) or more school corporations; and

(E) any combination of the methods listed in clauses (A) through (D);

(7) "school aid bonds" means bonds of a civil unit of government, the proceeds of which are used for school purposes in any school corporation; and

(8) "united school corporation" means a school corporation that has territory in two (2) or more adjacent counties.

[20-4-1-4] Sec. 4. State and county officers shall make available to:

(1) the county committees; and

(2) the state board; ~~such~~

information from public records in ~~their~~ the officers' possession as ~~that~~ is essential to the performance by the county committees and the state board in the performance of their duties as set forth in this chapter and IC 20-23-16-1 through IC 20-23-16-11.

[20-4-1-5] Sec. 5. (a) ~~Within three (3) months after July 1, 1959,~~ there shall be created in each county in the state A county committee for the reorganization of school corporations which shall consist consists of nine (9) members. In counties having a county that has a county superintendent of schools: ~~such~~

(1) the superintendent ~~shall be~~ is an ex officio member of the committee; ~~serving by virtue of his office: and~~

(2) the remaining members of ~~such the~~ committee if there is ~~such~~ a superintendent; and all the members if there is no ~~such~~ superintendent; ~~shall be~~ are appointed by the judge of the circuit court of the county.

In a county that does not have a county superintendent of schools, all the members of the committee are appointed by the judge of the circuit court of the county. Appointments under this subsection are subject to subsections (f) through (h).

(b) ~~Prior to~~ Before the time specified in this section, the judge of the circuit court in each county of the state shall call into a county convention each of the township trustees of the county and the members of each local board of school trustees or board of school commissioners in the county for the purpose of advising ~~him the judge~~ in the selection of the ~~member members of such the~~ county committee. Except as provided in subsection (c), the judge must give at least ten (10) days notice of ~~such the~~ convention ~~shall be given by the judge~~





of the circuit court by publication in:

(1) one (1) newspaper of general circulation published in the affected area; ~~and or~~

(2) if no newspaper is published ~~therein, then in the affected area,~~ in a newspaper having a general circulation in the affected area. ~~However,~~

(c) In a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), ~~said the judge of the circuit court must publish the notice shall be published referred to in subsection (b)~~ in two (2) newspapers of general circulation published in the affected area or having a general circulation in the affected area. ~~Said The judge must specify in the notice: shall also specify~~

(1) the date, time, place, and purpose of ~~such the~~ county convention; and

(2) that ~~such the~~ county convention ~~shall be~~ is open to all residents of the county.

~~(c)~~ (d) At the county convention, the judge of the circuit court shall:

(1) explain or have explained; the provisions of this chapter explained and shall

(2) afford an opportunity for a discussion thereof by the persons in attendance. ~~Within attendees to discuss;~~

the provisions of this chapter.

(e) Not later than ten (10) days after the date of the county convention, the judge of the circuit court shall select the appointive members of the county committee. ~~However: (1) where there is~~

(f) In a county that has a county board of education, one (1) of ~~such appointive members shall~~ member of the county committee must be a township trustee recommended by ~~such the~~ county board of education. ~~(2) where there is~~

(g) In a county in which there is a board of school trustees or a board of school commissioners, in the county, one (1) ~~shall be a~~ member of the county committee:

(1) must be a member of: ~~such~~

(A) the board ~~other than~~ of school trustees; or

(B) the board of school commissioners; and

(2) may not be a township trustee. ~~serving on a consolidated school board; and (3)~~

(h) One (1) ~~shall~~ member of the county committee must be:

(1) a superintendent of schools; ~~or~~

(2) a principal of:

(A) a school city;

(B) a school town; or

(C) a consolidated school or corporation; or

(3) a superintendent of a community school corporation. ~~Except for the exceptions listed in this subsection;~~



(i) The ~~other~~ members ~~thus appointed shall of the county committee not referred to in subsections (f) through (h):~~

(1) ~~may not be members of or employed by: any~~

(A) ~~a board of school trustees; or~~

(B) ~~a board of school commissioners; shall not be~~

(2) ~~may not be members of or employed by any a:~~

(A) ~~local; or~~

(B) ~~county;~~

~~board of education; and shall not be~~

(3) ~~may not be:~~

(A) ~~township trustees; or~~

(B) ~~employees of township trustees; The judge shall appoint such members and~~

(4) ~~are appointed~~ without regard to political affiliation.

(j) The judge of the circuit court shall give written notice immediately to each ~~such~~ person ~~so selected to serve on for~~ **appointment to** the county committee. ~~and Each such person so selected shall notify the judge of the circuit court in writing within not later than ten (10) days thereafter of his acceptance. In the event that any member of the county committee shall refuse to serve thereon; or shall fail after receipt of the notice whether the person accepts the appointment. If a person:~~

(1) ~~refuses an appointment; or~~

(2) ~~fails to notify the judge of the circuit court of his the person's acceptance or refusal of an appointment;~~

~~the judge of the circuit court shall appoint select a qualified person to serve thereafter on the county committee. replacement for appointment to the county committee.~~

~~(d) Within~~ **(k) Not later than** thirty (30) days after the date of the county convention, the county committee shall meet to organize and to elect from its membership:

(1) ~~a chairman; and~~

(2) ~~a treasurer; They shall also elect and~~

(3) ~~a secretary. who~~

**The secretary** may be the county superintendent or the superintendent of one (1) of the school corporations in the county.

~~(e) (l)~~ **(l)** The **chairman and the** members of the county committee ~~shall~~ serve without compensation. Subject to approval by the state board, the chairman of the county committee shall:

(1) ~~secure the~~ necessary office space and equipment;

(2) ~~engage~~ necessary clerical help; and

(3) ~~receive reimbursement for any necessary expenses incurred by him the chairman with respect to his duties in connection with the county committee. but shall receive no compensation for his services therefor.~~

~~(f) (m)~~ **(m)** Members of the county committee ~~shall~~ hold office **for**



terms of four (4) years until the reorganization program in the county has been completed, ~~for terms of four (4) years~~, subject to replacement as ~~otherwise~~ prescribed in this chapter. No ~~appointive appointed~~ member ~~who ceases to be a resident of the county~~ may continue to serve on a county committee. ~~if he ceases to be a resident of the county.~~

(g) (n) Neither an individual ~~appointive appointed~~ member of a county committee, nor the ~~appointive appointed~~ members as a group, ~~shall be are~~ disqualified from serving on a county committee because they fail at any time to meet the qualifications for appointment by the circuit judge of the circuit court, other than county residence, if they met ~~such the~~ qualifications at the time of their appointments.

(o) Vacancies shall be filled by the remaining members of the committee without regard for the qualifications for appointment by the circuit judge of the circuit court.

(h) If the reorganization program in any county has not been completed by March 15, 1963, the judge of the circuit court shall within thirty (30) days thereafter discharge the existing county committee and replace or reappoint the appointive members thereof, all without observing any formal procedure but complying with the qualifications for appointment by the circuit judge set out above. Within fifteen (15) days after date of such appointment, the county committee shall meet to organize and to elect from its membership a chairman, a treasurer, and a secretary.

(i) (p) Meetings of the county committees ~~shall be are~~ held:

(1) upon call of the chairman; or

(2) by a petition **to hold a meeting** signed by a majority of the members of the committee.

(q) A majority of the committee ~~shall constitute~~ **constitutes** a quorum.

[20-4-1-6] Sec. 6: (a) Within eight (8) months after March 14, 1963, the county committee shall complete and adopt a preliminary written plan for the reorganization of school corporations within the county.

(b) Such plan and the final comprehensive plan shall provide for the incorporation of all areas of the county into one (1) or more administrative units which can provide an efficient and adequate educational program for grades one (1) through twelve (12); and which will meet the minimum standards adopted by the state board under section 17.1 of this chapter, except as otherwise provided in this chapter. [QUERY - THE DATE BY WHICH THE PROVISIONS OF THIS SECTION WERE TO BE COMPLETED IS OVER 40 YEARS AGO - SUGGEST REPEAL.]

[20-4-1-8] Sec. 6. ~~Sec. 8:~~ (a) The county committee in formulating a preliminary **reorganization** plan shall, with respect to each of the community school corporations ~~which that~~ are a part of the reorganization plan, determine the following:

(1) The name of the community school corporation.



(2) **Subject to subsection (e)**, a general description of the boundaries of the community school corporation. ~~which may consist of identifying an existing school corporation where it is to be included in its entirety in such community school corporation. Where a boundary does not follow the boundary of an existing civil or school corporation, the description shall set out the boundary as near as reasonably possible by streets, rivers, and other similar boundaries which are known by common names, and where this is not thus possible, by section lines or other legal description. No such description shall be defective if there is a good faith effort to comply with the provisions of this subdivision, or if such boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee shall have the authority to require the services of the county surveyor in preparing a description of any boundary line.~~

(3) **With respect to the number of members on the board of school trustees: which shall be either**

**(A) whether the number of members is:**

- (i) three (3);
- (ii) five (5); or
- (iii) seven (7); and

**(B) whether ~~such~~ board of school trustees shall be the members are** elected or appointed;

**(C) if the members are appointed: when and by whom:**

- (i) **when the appointments are made; and**
- (ii) **who makes the appointments;**

**(D) if the members are elected, whether ~~such~~ the election shall be is at:**

- (i) **the primary election at which county officials are nominated; or at**
- (ii) **the general election at which county officials are nominated or elected; and**

**(E) subject to the provisions of sections 26.2 21 through and 26.3 22 of this chapter, the manner in which ~~such~~ board of school trustees shall be members are** elected or appointed.

(4) The compensation, if any, of the members of the regular and interim board of school trustees, which ~~shall~~ **may** not exceed the amount provided in ~~IC 20-5-3-6. IC 20-26-4-6. If no compensation is provided in any plan adopted after March 15, 1963; such members shall be entitled to no compensation.~~

(5) **Subject to subsection (f), qualifications required of the members of the board of school trustees, including limitations on:**

**(A) residence; and**

**(B) term of office. and other qualifications required of the**



members of such board of school trustees. However, no plan shall provide for an appointive or elective term of more than four (4) years; but any member may serve more than one (1) consecutive term.

(6) **If an existing school corporation is divided in the reorganization**, the disposition of assets and liabilities. ~~in instances where an existing school corporation is divided:~~

(7) The disposition of school aid bonds, if any.

(b) ~~In instances where~~ **If** existing school corporations are not divided **in the reorganization**, the:

(1) assets;

(2) liabilities; and

(3) obligations;

of the existing school corporations are ~~to be~~ transferred to and assumed by the new community school corporation of which they are a part, ~~without any provisions therefor being made in~~ **regardless of whether the plan provides for transfer and assumption.**

(c) The preliminary plan ~~shall~~ **must** be supported by a summary statement of:

(1) the educational improvements ~~its~~ **the plan's** adoption will make possible;

(2) data showing the:

(A) assessed valuation; ~~the~~

(B) number of resident ~~pupils~~ **students** in average daily attendance in grades 1 through 12; ~~the~~

(C) assessed valuation per ~~each such pupil~~ **student referred to in clause (B); and the**

(D) property tax levies;

of each existing school corporation to which the plan applies; ~~and such~~

(3) the:

(A) assessed valuation;

(B) resident average daily attendance; and

(C) assessed valuation per ~~pupil~~, **of student;**

**data referred to in subdivision 2(A) through 2(C) that would have applied for** each proposed community school corporation ~~if it were in existence~~ **the corporation existed** in the year the preliminary plan is prepared or notices of a hearing or hearings ~~thereon on the preliminary plan~~ **is given by the county committee; and**

~~(3)~~ **(4)** any other data or information the county committee deems appropriate or that may be required by the state board in its rules.

(d) ~~Such shall be based~~ **The county committee:**

(1) **shall base the** assessed valuations and tax ~~rates~~ **levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:**



- 1 (A) the year the preliminary plan is prepared; or ~~notices~~  
 2 (B) the year notice of a hearing or hearings ~~thereon on the~~  
 3 preliminary plan is given by the county committee;  
 4 (2) may base the resident average daily attendance figures ~~may~~  
 5 be based on the calculation ~~thereof of the figures~~ under the rules  
 6 pursuant to under which they are submitted to the state  
 7 superintendent of public instruction by existing school  
 8 corporations; and  
 9 (3) shall be set out the resident average daily attendance  
 10 figures for:  
 11 (A) the school year in progress in such year if they the figures  
 12 are available for that year; or for  
 13 (B) the immediately preceding school year if they the figures  
 14 are not ~~At such~~ available for the school year in progress.  
 15 The county committee may obtain the data and information ~~shall be~~  
 16 obtained by the county committee referred to in this subsection from  
 17 any source ~~deemed the committee considers reliable. by it; and~~ If the  
 18 county committee attempts in good faith to comply with this  
 19 subsection, the summary statement by the county committee shall be  
 20 referred to in subsection (c) is sufficient regardless of whether or not  
 21 the statement is exactly accurate. if there is a good faith effort on its  
 22 part to comply with the provisions of this subsection.  
 23 (e) The general description referred to in subsection (a)(2) may  
 24 consist of an identification of an existing school corporation that is  
 25 to be included in its entirety in the community school corporation.  
 26 If a boundary does not follow the boundary of an existing civil unit  
 27 of government or school corporation, the description must set out  
 28 the boundary:  
 29 (1) as near as reasonably possible by:  
 30 (A) streets  
 31 (B) rivers; and  
 32 (C) other similar boundaries;  
 33 that are known by common names; or  
 34 (2) if description as described in subdivision (1) is not possible,  
 35 by section lines or other legal description.  
 36 The description is not defective if there is a good faith effort by the  
 37 county committee to comply with this subsection or if the boundary  
 38 may be ascertained with reasonable certainty by a person skilled  
 39 in the area of real estate description. The county committee may  
 40 require the services of the county surveyor in preparing a  
 41 description of a boundary line.  
 42 (f) A member of the board of school trustees:  
 43 (1) may not serve an appointive or elective term of more than  
 44 four (4) years; and  
 45 (2) may serve more than one (1) consecutive appointive or  
 46 elective term.



1 [20-4-1-9] Sec. 7. ~~Sec. 9:~~ (a) When ~~any~~ a county committee has  
 2 prepared its preliminary written plans for reorganization of school  
 3 corporations, ~~it the committee~~ shall fix dates and places for one (1) or  
 4 more hearings ~~thereon on the plans~~ and give notice ~~thereof of the~~  
 5 ~~hearings to all~~ the residents of the school corporations affected and all  
 6 interested parties. The county committee ~~shall have the discretion as to~~  
 7 ~~whether to may~~ hold more than one (1) hearing. ~~Such~~ **The chairman**  
 8 **of the county committee shall give the notice:** ~~shall be given by the~~  
 9 ~~chairman of the county committee~~

10 (1) by publication at least ~~once one (1) time~~ in one (1) newspaper  
 11 of general circulation published in the school corporation or  
 12 corporations; ~~and or~~  
 13 (2) if no newspaper is published in the school corporation or  
 14 corporations, ~~then~~ in a newspaper having a general circulation  
 15 ~~within in~~ the school corporation or corporations;  
 16 at least ten (10) days but not more than thirty (30) days ~~prior to before~~  
 17 the date ~~set for such of the~~ hearing.

18 (b) At the hearing:

19 (1) the county committee shall:

20 (A) explain the proposed reorganization plan; ~~and~~

21 (B) summarize the educational improvements ~~its adoption of~~  
 22 ~~the plan~~ will make possible; ~~A statement of and~~

23 (C) ~~if the proposed reorganization includes division of an~~  
 24 ~~existing school corporation, state~~ the adjustment proposed  
 25 for:

26 (i) property;

27 (ii) assets;

28 (iii) debts; and

29 (iv) other liabilities; ~~shall be made in instances where any~~  
 30 ~~existing school corporation is to be divided. In such hearing,~~  
 31 ~~and~~

32 (2) any resident of the county or of any affected school  
 33 corporation in an adjoining county may be heard with reference  
 34 to:

35 (A) the proposed plan; or ~~any~~

36 (B) ~~an~~ alternative plan.

37 [20-4-1-10] Sec. 8. ~~Sec. 10:~~ (a) The committee shall consider any  
 38 suggestions made in the public hearing and shall make any revisions or  
 39 modifications in its written plans as it deems necessary and shall  
 40 thereupon without any further hearing adopt its final comprehensive  
 41 reorganization plan, and, within ten (10) days after such adoption, but  
 42 not later than January 14, 1964, shall submit at least three (3) copies of  
 43 its comprehensive plan to the state board. However, if a county  
 44 committee encounters any difficulties in formulating and adopting  
 45 either its preliminary or comprehensive plan for the reorganization of  
 46 school corporations, through no lack of diligence upon the part of the



committee so that it is unable to submit its plans to the state board within the period specified, such county committee may make application to the state board for extension or extensions of time in which to complete and adopt its preliminary or comprehensive plan. Such application may be made during or after the original or any extended period for which an extension is asked.

(b) The state board ~~in its discretion~~, may, and if the facts and circumstances warrant, may grant such extension or extensions as it may see fit.

**[QUERY: REPEAL? THIS SECTION APPEARS TO DEAL ONLY WITH PLANS PROPOSED BEFORE JANUARY, 1964.]**

[20-4-1-11] Sec. 9. ~~Sec. 11. From time to time~~, The county committee may submit to the state board for approval, in accordance with ~~the provisions of~~ section ~~17.1~~ **12** of this chapter, a plan for the reorganization of one (1) or more school corporations without awaiting the completion of a comprehensive plan. ~~but such~~ **The plan fits into** and becomes an integral part of ~~such the~~ comprehensive plan as the county committee is required to prepare.

[20-4-1-12] Sec. 10. ~~Sec. 12. Any~~ **The form of a** preliminary or final comprehensive plan of reorganization ~~adopted by the county committee before or after March 15, 1963, shall be~~ **is sufficient as to form if it the plan** contains within in its own terms or by reference the following for each proposed community school corporation:

~~(a)~~ **(1)** The name of the proposed community school corporation.

~~(b)~~ **(2)** A general description of the boundaries of the community school corporation as provided in section ~~8~~ **6** of this chapter.

~~(c)~~ **(3)** The number ~~on~~ **of members of** the board of school trustees and whether ~~they shall be~~ **the members are** elected or appointed.

~~(d)~~ **(4)** The manner in which the board of school trustees, other than the interim board, is ~~to be~~ elected or appointed.

~~(e)~~ **(5)** **If a school corporation is divided as part of the reorganization**, the disposition of assets and liabilities of ~~any existing the~~ school corporation. ~~in instances where such school corporation is divided, and, after March 15, 1963, if there is submitted or adopted with it~~

**(6)** The statement required by section ~~8~~ **6** of this chapter **if that statement is submitted or adopted with the plan.**

[20-4-1-13] Sec. 11. ~~Sec. 13. (a)~~ The county committee may form:

**(1)** an advisory committee; or

**(2)** advisory committees. ~~which~~

**(b)** **An advisory committee** may include among their membership ~~any or all as members:~~

**(1)** superintendents; or

**(2)** principals;

of local school corporations. ~~Such~~

**(c)** **An advisory committee or the individual members thereof of an**





1 **advisory committee** shall: ~~render such~~

2 (1) help **the county committee**; and

3 (2) furnish ~~such~~ information to the county committee;

4 as ~~may be~~ requested by the county ~~committees from time to time~~  
5 **committee**.

6 [20-4-1-17.1] Sec. 12. ~~Sec. 17.1:~~ (a) The state board of education  
7 shall:

8 (1) aid the county committees, as required by subsection (b), in  
9 carrying out:

10 (A) the powers **conferred**; and

11 (B) the duties imposed;

12 on ~~them~~ **the committees** by this chapter;

13 (2) receive and examine each plan for the reorganization of a  
14 school ~~corporations~~ **corporation** submitted to ~~it~~ **the state board**  
15 by a county committee and approve each plan ~~which that~~ meets  
16 the standards of the state board; ~~of education~~;

17 (3) ~~promulgate~~ **adopt** a set of minimum standards, in furtherance  
18 of the policy expressed in section 1 of this chapter, which all  
19 proposed community school corporations must meet, insofar as  
20 feasible;

21 (4) ~~within not later than~~ ninety (90) days after receipt of a  
22 ~~reorganizational~~ **reorganization** plan, hold a public hearing in the  
23 county to which the plan mainly ~~appertains~~ **applies so that to**  
24 **allow** residents of the affected territory ~~may to~~ testify;

25 (5) ~~within not later than~~ sixty (60) days after the public hearing:

26 (A) approve or disapprove in writing all or part of the plan;  
27 and

28 (B) notify in writing the county committee concerned;

29 (6) assist any county committee whose plan does not meet  
30 minimum standards in revising the plan and ~~shall~~ permit the  
31 committee to resubmit the plan ~~within not later than~~ ninety (90)  
32 days after receipt of notice of nonapproval; and

33 (7) make rules for:

34 (A) the conduct of its own business; and ~~for~~

35 (B) the guidance and direction of county committees;

36 ~~in order to carry out the purposes of~~ this chapter **and**  
37 **IC 20-23-16-1 through IC 20-23-16-11**.

38 (b) The minimum standards for community school corporations  
39 proposed under this chapter **or IC 20-23-16-1 through**  
40 **IC 20-23-16-11 shall include, but are not limited to, must provide for**  
41 the inclusion of all the area of a county in:

42 (1) a school corporation; or

43 (2) **school** corporations;

44 in order to furnish efficient and adequate educational opportunity for  
45 all ~~pupils~~ **students** in grades ~~one (1)~~ 1 through ~~twelve (12)~~ **12**.

46 (c) **Before the adoption of a preliminary written plan**, the county



committee and the state board of education may prior to the adoption of a preliminary written plan, meet to consider problems encountered by the county committee in formulating a plan. Following the meeting, the state board of education may in writing, waive in writing any specified minimum standard for a designated geographic area on the ground that meeting the standard is not feasible.

(c) (d) The state board of education is not required to hold a public hearing on any a plan which that does not meet the minimum standards required by it the state board unless the state board of education waives the attainment of any a minimum standard.

[20-4-1-18] Sec. 13. ~~Sec. 18:~~ (a) Whenever the creation of a community school corporation out of an existing corporation would involve no change in its territorial boundaries or in its board of school trustees or other governing body, other than a change, if any, in the time of election or appointment or the time the board members take office, and such the creation is consistent with the standards set up pursuant to the provisions of under this chapter as modified, if any, by the standards set out in this section, the state board may upon its own motion or upon petition of the governing body of the existing school corporation at any time with hearing in the county where such school corporation is located, after notice by publication at least once in one (1) newspaper of general circulation published in the county where such school corporation is located, at least ten (10) but not more than thirty (30) days prior to before the date of such hearing and without action of the county committee declare such existing school corporation to be a community school corporation by adopting a resolution to this effect. Such The existing school corporation shall qualify qualifies as to size and financial resources if it has an average daily attendance of two hundred seventy (270) or more, in grades nine (9) 9 through twelve (12); 12, or of one thousand (1,000) or more, in grades one 1 (1) through twelve (12); 12, and has an assessed valuation per pupil student of five thousand dollars (\$5,000) or more. For the purposes of this provision the following terms shall have the following meanings:

(1) "County tax" shall be means a property tax which that is levied at an equal rate in the entire county in which any school corporation is located, other than a tax qualifying as a county-wide tax within the meaning of Acts 1959, c.328, s.2, or any similar statute, and the net proceeds of which are distributed to school corporations in the county.

(2) "Assessed valuation" of any school corporation shall mean means the net assessed value of its real and personal property as of March 1, 1964, adjusted in the same manner as such assessed valuation is adjusted for each county by the department of local government finance under Acts 1949, c.247, s.5, as now or hereafter amended, unless such that statute has been repealed or



no longer provides for such adjustment. ~~In the event~~ **If** a county has a county tax, then the assessed valuation of each school corporation in the county shall be increased by the amount of assessed valuation, if any, which would be required to raise an amount of money, equal to the excess of the amount distributed to any school corporation from the county tax over the amount collected from such county tax in such school corporation, using total taxes levied by such school corporation in terms of rate excluding the countywide tax under Acts 1959, c.328, s.2, or any similar statute, and including all other taxes levied by or for such school corporation, including but not limited to the county tax, bond fund levy, lease rental levy, library fund levy, special school fund levy, tuition fund levy, capital projects fund levy, and special funds levies. Such increased valuation shall be based on the excess distributed to the school corporation from the county tax levied for the year 1964 and the total taxes levied for such year, or if the county tax is first applied or is raised for years after 1964, then the excess distributions and total taxes levied for the year in which such tax is first applied or raised. In the event such excess distribution and total taxes levied cannot be determined accurately on or prior to the adoption of the resolution provided in this section, excess distribution and taxes levied shall be estimated by the department of local government finance using the last preceding assessed valuations and tax rates or such other information as they shall see fit, certifying such increased assessment to the state board prior to such time. In all cases, the excess distribution shall be determined upon the assumption that the county tax is one hundred percent (100%) collected and all collections are distributed.

(3) "Assessed valuation per ~~pupil~~ **student**" of any school corporation means the assessed valuation of any such school corporation divided by its average daily attendance in grades one (1) through twelve (12).

(4) "Average daily attendance" in any school corporation shall mean the average daily attendance of ~~pupils~~ **students** who are residents in such school corporation and in the particular grades to which such term refers for the school year 1964-1965 in accordance with the applicable regulations of the state superintendent of public instruction, used in determining such average daily attendance in the distribution of the tuition funds by the state to its various school corporations where such funds are distributed on such basis and irrespective of whether such figures are the actual resident daily attendance of such school for the school year.

(b) ~~Such~~ **The** community school corporation shall automatically come into being on either July 1 or January 1 following the date of ~~such~~



approval, whichever is earlier. The state board shall mail by certified United States mail, return receipt requested, a copy of such resolution certified by its director or its secretary to the recorder of the county from which the county committee having jurisdiction of such existing school corporation was appointed and to such county committee. Such resolution may change the time of election or appointment of the board members of such school corporation or the time such board members take office. The recorder shall without cost record such certified resolution in the miscellaneous records of the county. Such recording shall constitute a permanent record of the action of the state board and may be relied on by any person. Unless the resolution otherwise provides no interim board member shall be appointed, the board members in office on the date of such action shall continue to constitute the board of trustees of such school corporation until their successors are qualified, and the terms of their respective office and board membership shall remain unchanged except to the extent that such resolution otherwise provides. For all purposes under this chapter **and IC 20-23-16-1 through IC 20-23-16-11**, community school corporation shall be regarded as a school corporation created under the provisions of section ~~22~~ **16** of this chapter.

**[QUERY: IT APPEARS THAT THIS SECTION IS OUT OF DATE AND CANNOT BE APPLIED BY ITS TERMS BECAUSE THE DEFINITION OF ASSESSED VALUATION IS NOT CURRENT - THE DLGF DOES NOT MAKE ANY ADJUSTMENTS THAT INVOLVE 1964 ASSESSED VALUATION. CAN THE SECTION BE REPEALED?]**

[20-4-1-20] Sec. 14. ~~Sec. 20:~~ (a) After the state board has approved a comprehensive plan or partial plan for reorganization of school corporations as submitted to ~~it~~ **the state board** by a county committee, the state board shall promptly, ~~in writing~~, by certified United States mail with return receipt requested, give a **written** notice of ~~such the~~ approval to:

(1) the chairman of ~~said the~~ county committee submitting the plan; and

(2) the judge of the circuit court of the county from which the county committee was appointed.

(b) ~~Thereafter, any~~ **After notice is given under subsection (a), a** community school corporation proposed by ~~the~~ **a plan referred to in subsection (a)** may be created: ~~either~~

(1) by petition as ~~set out~~ **provided** in this section;

(2) by election as provided in section ~~21~~ **15** of this chapter; or

(3) under ~~the terms of~~ section ~~22~~ **16** of this chapter.

(c) ~~At any time~~ **After the receipt of such the plan referred to in subsection (a)** by the county committee, **and** before or after the election described in section ~~21~~ **15** of this chapter, ~~any such a~~ community school corporation **proposed by a plan referred to in**



**subsection (a)** may be created by a petition. **The petition must be** signed by **at least fifty-five percent (55%) or more** of the registered voters residing ~~within the boundaries of in~~ the community school corporation, determined in the manner set out in this section, and filed by any signer or by the county committee with the clerk or clerks of the circuit court or courts of the county or counties where ~~such the~~ voters reside. ~~Such~~ **The petition shall must** state that the signers request the establishment of a community school corporation and ~~shall must~~ contain the following information:

- (1) The name of the proposed community school corporation.
- (2) A general description of the boundaries as set out in the plan.
- (3) The number ~~on~~ **of members of** the board of school trustees.
- (4) The manner in which:
  - (A) the permanent board of school trustees; and
  - (B) **if covered in the plan, the interim board of school trustees; if covered in the plan, shall** will be elected or appointed.
- (5) The compensation, if any, of the members of:
  - (A) the permanent **board of school trustees;** and
  - (B) **if covered in the plan, the** interim board of school trustees.
- (6) The disposition, if any, of assets and liabilities of each existing school corporation ~~which that:~~
  - (A) is included in the proposed community school corporation; and
  - (B) has been divided.
- (7) The disposition of school aid bonds, if any.
- (d) ~~Such~~ **The petition shall referred to in subsection (c) must** show: ~~therein~~

- (1) the date on which each person ~~has~~ signed the petition; and his
- (2) **the person's** residence address on ~~such that~~ date.

The petition may be executed in several counterparts, the total of which ~~shall constitute~~ **constitutes** the petition authorized [QUERY: Described?] by this subsection. **An affidavit of the person circulating a counterpart must be attached to the each such** counterpart. ~~shall have attached thereto the affidavit of the person circulating said counterpart~~ **The affidavit must state** that each signature appearing on ~~such the~~ counterpart was affixed in ~~his~~ **the person's** presence and is the true and lawful signature of the ~~person who made such signature: signer.~~ Each signer on the petition ~~shall be privileged prior to, but shall not be entitled after, such filing may withdraw the signer's signature from the petition before the petition is filed with the clerk of the circuit court. to withdraw his name from the petition.~~ No names ~~shall may~~ be added to the petition after the petition ~~has been~~ **is** filed with any ~~such the~~ clerk of the circuit court.

- (e) After the receipt of the petition ~~such~~ **referred to in subsection**



(c), the clerk of the circuit court shall make a certification under his the clerk's hand and seal of his the clerk's office as to:

- (1) the number of persons signing signers of the petition;
- (2) the number of such persons signers of the petition who are registered voters residing within in:

(A) the boundaries of the proposed community school corporation; or that

(B) the part of such the school corporation located within his in the clerk's county;

as disclosed by the voter registration records in the office of the clerk or the board of registration of the county; or wherever such registration records may be kept; of the county;

- (3) the number of registered voters residing within the boundaries of in:

(A) the proposed community school corporation; or that

(B) the part of such the school corporation located within his in the clerk's county;

as disclosed in by the voter registration records mentioned in subdivision (2); of the county; and

- (4) the date of the filing of such the petition with him: the clerk. in case

If a proposed community school corporation includes only part of a voting precinct, the clerk of the circuit court shall ascertain from any public records, data, or by any other means, including but not limited to assistance from the county committee, the number of registered voters resident therein: residing in the part of the voting precinct.

(f) Such The clerk of the circuit court shall make the certification shall be made by each such clerk within referred to in subsection (e):

- (1) not later than thirty (30) days after the filing of the petition under subsection (c), excluding from the calculation of such that period any the time during which the registration records are unavailable to such the clerk; or

- (2) within any additional time as is reasonably necessary to permit such the clerk to make such the certification.

In certifying the number of such registered voters, the clerk shall disregard any signature on such the petition not made within in the ninety (90) days that immediately prior to precede the filing of the petition with him the clerk as shown by the dates set out in the petition. Such The clerk shall establish a record of his the certification in his the clerk's office and shall return his the certification thereon to the county committee.

(g) If the certification or combined certifications received from the clerk or clerks disclose that the petition has been was signed by at least fifty-five percent (55%) or more of the registered voters residing within the boundaries of in the community school corporation, the county committee shall publish a notice in two (2) newspapers of general



circulation ~~within the boundaries of~~ in the community school corporation. ~~a~~ **The notice stating must:**

(1) **state** that the steps necessary ~~to~~ **for** the creation and establishment of the community school corporation have been completed; and ~~setting~~

(2) **set forth:**

(A) the number of registered voters residing ~~within the boundaries of~~ in the community school corporation who signed the petition; and

(B) the number of registered voters residing ~~within the boundaries of~~ in the community school corporation.

~~(g)~~ **(h)** A community school corporation ~~shall be created and come into being by a petition under this section takes effect on the earlier of:~~

(1) ~~the~~ July 1; or

(2) ~~the~~ January 1; ~~following~~

**that next follows the date of publication of said the notice referred to in subsection (g). whichever date is the earlier. In the event any**

**(i) If a public official ~~shall fail~~ fails to ~~do~~ his perform a duty required of the official under this chapter within the time prescribed in this section and sections 20 15 through 24 18 of this chapter, this the omission ~~shall~~ does not invalidate the proceedings taken under this chapter.**

~~(j) No~~ **An action:**

(1) to contest the validity of the formation or creation of a community school corporation under ~~the provisions of~~ this section;

(2) to declare ~~it that~~ **a community school corporation:**

(A) has not been validly formed or created; or

(B) is not validly existing; or

(3) to enjoin ~~its~~ **the operation of a community school corporation; shall**

**may not be instituted at any time later than the thirtieth day following thirty (30) days after the date of publication of said the notice referred to in subsection (g).**

[20-4-1-21] Sec. 15. ~~Sec. 21.~~ (a) If ~~no such~~ **the chairman of the county committee does not receive the certification or combined certifications thus creating any such community school corporation, are received within under section 14(f) of this chapter not later than ninety (90) days after the receipt by the county committee of such the plan referred to in section 14(a) of this chapter, by the chairman of the county committee, the judge of the circuit court of the county from which the county committee submitting the plan was appointed shall:**

(1) certify the public question under IC 3-10-9-3; and

(2) order the county election board to conduct a special election ~~of in which~~ the registered voters [QUERY: Does "special election



of the registered voters" in the current law mean "special election in which the registered voters...may vote to determine...."] residing ~~within in~~ the ~~boundaries of~~ such proposed community school corporation **may vote** to determine whether ~~such community school~~ the corporation ~~shall will~~ be created. ~~and shall certify the question under IC 3-10-9-3.~~

(b) If:

(1) a primary ~~or general~~ election at which county officials are nominated; or

(2) **a general election at which county officials are elected;** and for which the question can be certified in compliance with IC 3-10-9-3 is to be held ~~within~~ **not later than** six (6) months after the receipt ~~by the chairman of the county committee of such the~~ plan ~~by the chairman of the county committee, referred to in section 14(a) of this chapter, regardless of whether or not such the~~ ninety (90) **day period referred to in subsection (a)** has expired, the judge shall order the county election board to conduct the special election to be held in conjunction with ~~any such the~~ primary or general election.

(c) If no ~~such~~ primary or general election is to be held ~~within such in the~~ six (6) month period ~~then such referred to in subsection (b),~~ the special election shall be held:

(1) not earlier than sixty (60) days; ~~nor and~~

(2) **not** later than one hundred twenty (120) days; after the expiration of ~~such the~~ ninety (90) day period **referred to in subsection (a).**

~~(b)~~ (d) **The county election board shall give notice under IC 5-3-1 of such the special election shall be given by the county election board under IC 5-3-1, referred to in subsection (a).**

~~(c)~~ **Such (e) The notice referred to in subsection (d) of such a special election shall must:**

(1) clearly state that the election is called ~~for affording to afford~~ the registered voters an opportunity to approve or reject a proposal for the formation of a community school corporation; ~~and shall also~~

(2) contain:

(A) a general description of the boundaries of the community school corporation as set out in the plan;

(B) a statement of the terms of adjustment of:

(i) property;

(ii) assets;

(iii) debts; and

(iv) liabilities;

of ~~any an~~ existing school corporation ~~where it that~~ is to be divided **in the creation of the community school corporation;**

(C) the name of the community school corporation;





1 (D) the number of members comprising the board of school  
2 trustees; and

3 (E) the method of selecting the board of school trustees of the  
4 community school corporation; ~~The notice shall also and~~

5 (3) designate the **date**, time, and voting place or places at which  
6 the election will be held.

7 ~~(d) Such~~ (f) A special election ~~shall be referred to in subsection~~  
8 (a) is under the direction of the county election board in the county.  
9 ~~Such~~ The election board shall take all steps necessary to carry out the  
10 special election. ~~provided for in this section.~~ If the special election is  
11 not conducted at a primary or general election, the cost of conducting  
12 the election ~~shall be is:~~

13 (1) charged to each component school corporation embraced in  
14 the community school corporation in the same proportion as ~~its~~  
15 the component school corporation's assessed valuation is to the  
16 total assessed valuation of the community school corporation; and  
17 shall be

18 (2) paid:

19 (A) from any current operating fund not otherwise  
20 appropriated ~~of; and~~

21 (B) without appropriation therefor by; the respective  
22 each component school corporations. ~~Where corporation.~~

23 If a component school corporation is to be divided and its territory  
24 assigned to two (2) or more community corporations, ~~its the~~  
25 component school corporation's cost of the special election ~~shall be~~  
26 is in proportion to ~~its the corporation's~~ assessed valuation included in  
27 the community school corporation.

28 ~~(e)~~ (g) The county election board shall place the public question on  
29 the ballot in the form prescribed by IC 3-10-9-4. The public question  
30 must state "Shall the (here insert name) community school corporation  
31 be formed as provided in the Reorganization Plan of the County  
32 Committee for the Reorganization of School Corporations?". Except as  
33 otherwise provided in this chapter, the election ~~shall be is~~ governed by  
34 IC 3.

35 ~~(f)~~ (h) If a majority of the votes cast at ~~such a~~ special election  
36 referred to in subsection (a) on ~~such the public~~ question are in favor  
37 of the formation of ~~such the~~ corporation, a community school  
38 corporation ~~shall be is~~ created and ~~come into being~~ takes effect on the  
39 earlier of:

40 (1) the July 1; or

41 (2) the January 1; ~~following~~

42 that next follows the date of publication of ~~said the notice~~ ~~whichever~~  
43 date is the earlier. ~~In the event any referred to in subsection (d).~~

44 (i) If a public official ~~shall fail~~ fails to ~~do the official's~~ perform a  
45 duty required of the official under this section within the time  
46 prescribed in this section, ~~this the omission~~ ~~shall does~~ not invalidate



the proceedings taken under this section.

(j) ~~No~~ **An** action:

(1) to contest the validity of the formation or creation of a community school corporation under this section;

(2) to declare that ~~it~~ **a community school corporation:**

(A) has not been validly formed or created; or

(B) is not validly existing; or

(3) to enjoin ~~its~~ **the** operation of **a community school corporation; shall**

**may not** be instituted ~~at any time~~ later than ~~the thirtieth day~~ following ~~such~~ **thirty (30) days after the date of the special election referred to in subsection (a).**

[20-4-1-22] Sec. 16. ~~Sec. 22: In instances where the~~ **(a) This section applies to a proposed school corporation reorganization plan approved by the state board that involves no change in:**

(1) territorial boundaries; or ~~in~~

(2) the board of school trustees or other governing body; of a school corporation, other than a change ~~if any,~~ in the time of election of board members or the time ~~such~~ **the** board members take office. ~~such approved~~

**(b) A plan shall referred to in subsection (a) automatically come comes into being on either the earlier of:**

(1) ~~the~~ July 1; or

(2) ~~the~~ January 1; ~~following~~

**that next follows** the date of ~~such~~ approval ~~whichever is earlier: of the plan by the state board. In such event,~~

**(c) If subsection (b) applies:**

(1) no interim board member ~~shall~~ **may** be appointed;

(2) the board members in office on ~~such~~ **the** date ~~shall~~ **the plan comes into being under subsection (b)** continue to constitute the governing body of the school corporation until their successors are qualified; and

(3) the:

(A) terms of ~~their~~ **respective** offices; and ~~their~~

(B) board memberships; ~~shall~~

**of the board members** remain unchanged except to the extent the plan provides otherwise.

[20-4-1-23] Sec. 17. ~~Sec. 23: (a)~~ If a proposal for the formation of a community school corporation is rejected by the voters at the **special** election provided for in this chapter, the county committee shall: ~~exercise one (1) of the following options:~~ **(1) Devise a new plan of reorganization deemed more acceptable to the electors of the territory affected. This new plan shall be submitted to the state board for its approval within six (6) months from the date of such election subject to the same conditions and requirements as to extensions of time and otherwise provided in this chapter for adoption and approval of the**



rejected plan. If the new plan is approved by the state board, the same procedures provided in this chapter for the creation of a community school corporation shall be followed. (2) The county committee may direct the county election board or boards to resubmit the same plan, rejected by the voters, at a special election to be held not later than six (6) months following such prior election on such plan, provided that where a primary or general election for state offices is to be held within six (6) months of such prior election, such special election shall be held in conjunction with such primary or general election. Notice by publication for the holding of such special election shall be given by the judge on request of the county committee, and the election shall be held in the same manner required for the holding of a special election under section 21 of this chapter, and all action by all officials concerned necessary for the conducting of such special election shall be taken as required in such section 21 of this chapter.

(1) subject to subsection (b), devise a new plan of reorganization considered more acceptable to the electors of the territory affected; or

(2) subject to subsection (c), direct the county election board or boards to resubmit the same plan rejected by the voters.

(b) The county committee shall submit a new plan devised under subsection (a)(1) to the state board for the state board's approval not later than six (6) months after the date of the special election at which the proposal was rejected, subject to the same conditions and requirements concerning extensions of time and other matters provided in this chapter. If the new plan is approved by the state board, the procedures of this chapter for the creation of a community school corporation must be followed.

(c) The county committee may direct the county election board or boards to resubmit the plan referred to in subsection (a)(2) at a special election to be held not later than six (6) months after the special election at which the proposal was rejected. If a primary or general election for state offices is to be held not later than six (6) months after the special election at which the proposal was rejected, the special election must be held in conjunction with the primary or general election. The judge of the circuit court shall give notice by publication of the special election on request of the county committee. The special election is held in the same manner required for the holding of a special election under section 15 of this chapter. Officials concerned shall take all actions necessary for the conducting of the special election as required in section 15 of this chapter.

[20-4-1-24] Sec. 18. Sec. 24. In the event any (a) Except as provided in subsection (b), if a public official shall fail to do his perform a duty required under this chapter or IC 20-23-16-1 through IC 20-23-16-11 within the time prescribed at any place in this



chapter or IC 20-23-16-1 through IC 20-23-16-11, ~~such the~~ omission ~~shall does~~ not invalidate any proceedings taken by ~~him~~. ~~Provided,~~ ~~however, that the official.~~

(b) This section: ~~shall~~

(1) ~~does~~ not apply to the time within which a county committee ~~shall must~~ accept jurisdiction of all or part of a school corporation from another county committee following a petition under ~~section 7 of this chapter, IC 20-23-16-1;~~ and ~~shall~~

(2) ~~may~~ not be construed to ~~enlarge extend~~ the time within which petitions ~~shall may~~ be filed by registered voters under ~~any section of this chapter or IC 20-23-16-1 through IC 20-23-16-11.~~

[20-4-1-25] Sec. 19. ~~Sec. 25:~~ (a) ~~Any A~~ party aggrieved by the decision of the county committee after the hearing provided for in section ~~9 7~~ of this chapter may:

(1) appear before the state board when the board holds public hearings on the reorganization plan involved; and

(2) state the grievance.

(b) ~~Any A~~ party ~~feeling~~ aggrieved by the decision of the state board after the hearing provided for in section ~~10 8~~ of this chapter may appeal within thirty (30) days from ~~such the~~ decision to the court of ~~competent jurisdiction in the respective~~ county on any question of adjustment of:

(1) property;

(2) debts; and

(3) liabilities;

among the school corporations involved. Notice of the appeal shall be given to the chairman or secretary of the county committee ten (10) days before the appeal is filed with the court.

(c) The court ~~shall have~~ **has the** power to:

(1) determine the constitutionality and the equity of the adjustment or adjustments proposed; and

(2) ~~to~~ direct the county committee to alter ~~such the~~ adjustment or adjustments found by the court to be inequitable or violative of any provision of the Constitution of the State of Indiana or of the United States.

An appeal may be taken to the supreme court or the court of appeals in accordance with the rules of civil procedure of the state.

~~(c)~~ (d) ~~Any A~~ determination by the court with respect to the adjustment of:

(1) property;

(2) debts; and

(3) liabilities;

among the school corporations or areas involved ~~shall does~~ not otherwise affect the validity of the reorganization or creation of ~~any a~~ school corporation or corporations under ~~the provisions of~~ this chapter or IC 20-23-16-1 through IC 20-23-16-11.

[20-4-1-26.1] Sec. 20. ~~Sec. 26.1:~~ (a) This section applies to each



community school corporation. ~~whenever created.~~

(b) Each community school corporation established under this chapter **or IC 20-23-16-1 through IC 20-23-16-11, when validly organized and existing,** is a body corporate and politic. The corporation may:

- (1) sue and be sued; and
- (2) acquire, hold, and convey real and personal property necessary to ~~its~~ **the community school corporation's** establishment and operation.

(c) A corporation has:

- (1) all the powers, rights, duties, and obligations of the school cities of any class in which the school corporation would fall if it were organized as a school city; and
- (2) the additional powers granted school corporations:
  - (A) in general; or
  - (B) school corporations in the population or other classifications in which the school corporation falls.

(d) The officers of the ~~board of school trustees~~ **governing body** are **a:**

- (1) ~~a~~ president;
- (2) ~~a~~ secretary;
- (3) ~~a~~ treasurer; and
- (4) **vice president**, if the board of trustees consists of more than three (3) members. ~~a vice president.~~

[20-4-1-26.2] Sec. 21. ~~Sec. 26.2:~~ (a) This section does not apply to a community school corporation created before March 12, 1965. A community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted. **[QUERY: ACTS 1965, c. 336, s 4 WAS REPLACED BY IC 20-4-1-26 WHICH WAS REPEALED IN THE SAME ACT IN WHICH THIS SECTION WAS ENACTED - P.L.10-1988, SECTION 238.]**

(b) If the members of a ~~board of school trustees~~ **governing body** are ~~to be~~ elected, ~~they~~ **the members** shall be elected in accordance with one (1) of the options set forth in subsection (c) or in accordance with section ~~27-1~~ **29** of this chapter. The options ~~shall~~ **must** be set out in the plan with sufficient description to permit the plan to be operable with respect to the community school corporation. The description may be partly or wholly by reference to the applicable option.

(c) The options described in subsection (b) are the following:

- (1) Members of a ~~board of school trustees~~ **governing body:**
  - (A) may reside anywhere in the school corporation; and
  - (B) shall be voted upon by all ~~its~~ registered voters **living within the school corporation** voting at any ~~school board~~ **governing body** member election.



(2) The community school corporation shall be divided into two (2) or more residence districts with one (1) or more members of the ~~board of school trustees~~ **governing body** resident within each of the residence districts. The plan may also provide that one (1) or more members of the ~~board~~ **governing body** may reside anywhere in the community school corporation. The plan:

(A) must set out the number of **members** to be elected from each district;

(B) may provide for the election of an equal number of members from each district; and

(C) must set out the number, if any, to be elected at large without reference to ~~board~~ **governing body** member districts.

Under this option, all candidates must be voted on by all registered voters of the community school corporation voting at any ~~school board~~ **governing body** member election.

(3) The community school corporation shall be divided into three (3) residence districts of approximately equal population. **In a district divided into three (3) residence districts, if:**

(A) if the ~~board of school trustees~~ **governing body** consists of three (3) members, one (1) member must reside in each residence district;

(B) If the ~~board of school trustees~~ **governing body** consists of five (5) members, two (2) members may not reside in any one (1) residence district; and

(C) If the ~~board of school trustees~~ **governing body** consists of seven (7) members, at least two (2) ~~are to~~ **shall** be elected from each residence district.

Candidates ~~are to~~ **shall** be voted on by all registered voters of the community school corporation voting at any ~~school board~~ **governing body** member election.

(4) The community school corporation shall be divided into two (2) or more electoral districts. Each member:

(A) serves from one (1) electoral district;

(B) must be a resident of the district; and

(C) must be voted upon by the registered voters residing within the electoral district and voting at any ~~school board~~ **governing body** member election.

The plan must set out the number to be elected from each electoral district and may provide for election of an equal number of members from each district. ~~However,~~ The plan must provide that not less than one (1) less than a majority of the ~~board~~ **governing body** may reside anywhere in the community school corporation and must be voted upon by all its registered voters voting at any ~~school board~~ **governing body** member election.

(5) The community school corporation consists of ~~the electoral districts set forth in this subdivision:~~ one (1) electoral district **that**



1 must embrace the entire community school corporation from  
 2 which a majority of the members of the ~~board of school trustees~~  
 3 **governing body** shall be elected by all the registered voters of the  
 4 community school corporation voting at a ~~school board~~  
 5 **governing body** member election. The other electoral districts  
 6 must be subdivisions of the community school corporation. Each  
 7 of the remaining members of the ~~board of school trustees~~  
 8 **governing body**:

9 (A) serves from one (1) of the latter electoral districts;

10 (B) must be a resident of that district; and

11 (C) must be voted upon by registered voters voting at a ~~school~~  
 12 ~~board~~ **governing body** member election.

13 The plan must set out the number to be elected from each district  
 14 and may provide for the election of an equal number of members  
 15 from the district.

16 (6) The community school corporation shall be divided into two  
 17 (2) or more electoral districts. Each member:

18 (A) serves from one (1) electoral district;

19 (B) must be a resident of that district; and

20 (C) must be voted upon only by the registered voters residing  
 21 within that district who vote at a ~~school board~~ **governing body**  
 22 election.

23 The plan must set out the number of members to be elected from  
 24 each electoral district in the school corporation and may provide  
 25 for election of an equal number of members from each district.

26 [20-4-1-26.3] Sec. 22. ~~Sec. 26.3~~: (a) This section does not apply to  
 27 a community school corporation created before March 12, 1965. A  
 28 community school corporation created before March 12, 1965, shall  
 29 operate in accordance with the plan under which it was created and the  
 30 statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been  
 31 enacted. **[QUERY: SEE QUERY FOR IC 20-4-1-26.2]**

32 (b) If the members of the ~~board of school trustees~~ **governing body**  
 33 are to be appointed, they shall be appointed in accordance with one (1)  
 34 of the options described in subsection (c). The option must be set out  
 35 in the plan with sufficient description to permit the plan to be operable  
 36 with respect to each community school corporation. The description  
 37 may be partly or wholly by reference to the applicable option provided  
 38 in this section.

39 (c) The options described in subsection (b) are the following:

40 (1) Members of the ~~board of school trustees~~ **governing body** may  
 41 reside anywhere in the community school corporation.

42 (2) The community school corporation shall be divided into two  
 43 (2) or more ~~school board~~ **governing body** member districts, any  
 44 one (1) of which may embrace the entire community school  
 45 corporation. Each member:

46 (A) serves from a particular district; and



1           **(B)** must be a resident of the district.

2           The plan must set out the number to be appointed from each  
3           district and may provide for an equal number of members from  
4           each district.

5           (d) The plan, under either option **in subsection (c)**, may provide that  
6           the first appointments of the ~~school board~~ **governing body** members  
7           are for staggered terms of not more than four (4) years. Thereafter,  
8           appointments shall be made for terms of four (4) years. All terms of  
9           office for appointive ~~board~~ **governing body** members expire June 30  
10          in the applicable year.

11          (e) A plan providing for the appointment of members of the ~~board~~  
12          of ~~school trustees~~ **governing body** must designate the ~~appointive~~  
13          **appointing** authority. The authority may be the same for each ~~board~~  
14          **governing body** member ~~but must and must be limited to one (1) or~~  
15          more of the following:

- 16           (1) The judge of the circuit or superior court.
- 17           (2) The city executive.
- 18           (3) The legislative body of a city.
- 19           (4) The board of commissioners of a county.
- 20           (5) The county fiscal body.
- 21           (6) The town legislative body.
- 22           (7) The township executive.
- 23           (8) The township legislative body.
- 24           (9) A township executive and legislative body jointly.
- 25           (10) More than one (1) township executive and legislative body
- 26           jointly.

27          (f) If an appointment is to be made by:

- 28           **(1)** a body, the appointment must be made by a majority vote of  
29           the body in official session;
- 30           **(2)** ~~if an appointment is to be made by~~ township executives, the  
31           appointment must be made by a majority vote of the executives  
32           taken in joint session; **and**
- 33           **(3)** ~~if an appointment is to be made by~~ township legislative  
34           bodies, the appointment must be made by a majority vote of the  
35           total number of township legislative body members by a majority  
36           vote of the members, taken in joint session.

37          (g) Whenever a member of the ~~board of school trustees~~ **governing**  
38          **body**, whether of the interim ~~board~~ **governing body** or regular ~~board~~  
39          **governing body**, is to be appointed, and the beginning of the  
40          appointive member's term of office coincides with the date an  
41          individual assumes the office of the official who is to make the  
42          appointment, the appointment shall be made by the latter individual. If  
43          the appointing official or body fails to appoint a member of the first  
44          ~~board of school trustees~~ **governing body** within five (5) days after a  
45          community school corporation comes into being, or, for members  
46          appointed after the first board is appointed, within five (5) days after





1 a member is to take office, the member of the ~~board of school trustees~~  
 2 **governing body** shall be appointed:

3 (1) by the judge of the circuit court; or

4 (2) in the case of a united school corporation, by the judge of the  
 5 circuit court of the county having the most ~~pupils~~ **students**  
 6 enrolled in the united school corporation.

7 [20-4-1-26.4] Sec. 23. ~~Sec. 26.4:~~ (a) This section applies to each  
 8 school corporation. ~~whenever created:~~

9 (b) If a plan provides for the election of members of the ~~board of~~  
 10 ~~school trustees~~ **governing body** of the community school corporation  
 11 at a primary election, at the time provided by IC 3-8-2 for the filing of  
 12 notice of candidacies for the primary election ~~next~~ following the  
 13 creation of the community school corporation, nominations for  
 14 members of the ~~board of school trustees~~ **governing body** of the  
 15 community school corporation may be made by a petition signed by the  
 16 candidates and ten (10) registered voters residing within the boundaries  
 17 of the community school corporation.

18 (c) A petition must be filed with the circuit court clerk of the county  
 19 that contains the greatest percentage of population of the school  
 20 corporation. If the plan requires residence in a specified district or  
 21 voting solely in a specified district for a **board governing body**  
 22 member office, the petition must clearly state the residence or electoral  
 23 district from or for which the person is a candidate. If a school  
 24 corporation is located in more than one (1) county, the circuit court  
 25 clerk shall, after determining that a petition complies with subsection  
 26 (b), promptly certify to each circuit court clerk of a county in which the  
 27 school corporation is located, the names of the candidates to be placed  
 28 on the ballot.

29 (d) If a plan provides for an election of members of the ~~board of~~  
 30 ~~school trustees~~ **governing body** at a general election, the filing of  
 31 notice of candidates must be made in the manner provided for filing at  
 32 primary elections under this section. The filing must be made within  
 33 the same period of time before the general election as would have been  
 34 required before the primary election had the election been held at the  
 35 latter time.

36 (e) All nominations shall be listed for each office in the form  
 37 prescribed by IC 3-10-1-19 or IC 3-11-2 but without party designation.  
 38 Voting and tabulation of votes shall be conducted in the same manner  
 39 as voting and tabulation in primary elections are conducted. The  
 40 precinct election boards serving at each primary election in each county  
 41 shall conduct the election for ~~school board~~ **governing board** members.  
 42 If a school corporation is located in more than one (1) county, each  
 43 county election board shall print the ballots required for voters in that  
 44 county to vote for candidates for members of the board of school  
 45 trustees of the school corporation.

46 (f) If the plan provides that the ~~board of school trustees~~ **governing**



**body** shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2 without party designation. Candidates elected shall be those having the greatest number of votes.

(g) If the plan provides that members of the ~~board of school trustees~~ **governing body** are to be elected from residence districts by all voters in the community school corporation, nominees for the ~~board of school trustees~~ **governing body** shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2 by residence districts without party designation. The ballot must state the:

(1) number of members to be voted upon; and

(2) ~~the~~ maximum number that may be elected from each residence district as provided in the plan.

A ballot is not valid where more than the maximum number are voted upon from a ~~board~~ **governing body** member residence district. [QUERY: This is unclear.] Candidates having the greatest number of votes are elected. However, if more than the maximum number that may be elected from a residence district are among those having the greatest number of votes, the lowest of those candidates from the residence districts in excess of the maximum number shall be eliminated in determining the candidates who are elected.

(h) If the plan provides that members of the ~~board of school trustees~~ **governing body** are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot:

(1) in the form prescribed by IC 3-10-1-19 or IC 3-11-2; and

(2) without party designation.

The ballot must state the number to be voted on from the electoral district. Candidates residing in the electoral district having the greatest number of votes are elected.

[20-4-1-26.5] Sec. 24. ~~Sec. 26.5:~~ (a) This section applies to each school corporation. ~~whenever created.~~

(b) If the ~~board of school trustees~~ **governing body** is to be elected at the primary election, each registered voter may vote in the ~~board of school trustee~~ **governing body** election without otherwise voting in the primary election.

(c) If a tie vote occurs among any of the candidates:

(1) the judge of the circuit court; or

(2) in case of a united school corporation, the judge of the circuit court of the county having the most ~~pupils~~ **students** enrolled in the united school corporation;

shall select one (1) of the candidates, who shall be declared and certified elected.

(d) If after the first ~~board of school trustees~~ **governing body** takes office, there is a vacancy on the ~~board of school trustees~~ **governing body** for any reason, including the failure of the sufficient number of



petitions for candidates being filed, ~~and~~ whether the vacating member was elected or appointed, the remaining members of the ~~board of school trustees;~~ **governing body**, whether or not a majority of the ~~board;~~ **governing body**, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation **to serve for the term or balance of the term. An individual appointed under this subsection must possess with the residence and other the** qualifications provided for a regularly elected or appointed ~~board~~ **governing body** member filling the office. ~~to serve for the term or balance of terms respectively.~~ If:

(1) a tie vote occurs among the remaining members of the ~~board governing body;~~ or

(2) the ~~board~~ **governing body** fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

(e) A vacancy in the ~~board of trustees~~ **governing body** occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed ~~as long as if~~ the member continues to be a resident of the school corporation.

(f) At the first primary or general election in which members of the ~~board of school trustees~~ **governing body** are elected:

(1) a simple majority of the candidates elected as members of the ~~board of school trustees~~ **governing body** who receive the highest number of votes shall be elected for four (4) year terms; **and**

(2) ~~The the~~ balance of the candidates elected as members of the ~~board of school trustees~~ **governing body** receiving the next highest number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

(g) ~~Board~~ **Governing body** members elected:

(1) in November take office and assume their duties on January 1 or July 1 after their election, as determined by the board of school trustees before the election; **and**

(2) ~~in May~~ **Board members elected in May** take office and assume their duties on July 1 after their election.

[20-4-1-26.6] Sec. 25. ~~Sec. 26.6:~~ (a) This section applies to each school corporation. ~~whenever created:~~

(b) If the plan provides for the election of members of the ~~board of school trustees~~ **governing body** of the community school corporation:

(1) the judge of the circuit court; or

(2) in the case of a united school corporation, the judge of the circuit court of the county having the most ~~pupils~~ **students**



1 enrolled in the united school corporation;  
 2 shall appoint interim ~~board of school trustees governing body~~  
 3 **members** in accordance with the plan approved by the county  
 4 committee and the state board.

5 (c) The members ~~of the governing body~~ appointed serve until their  
 6 successors are elected and qualified.

7 (d) Instead of appointment, the plan may provide for an alternative  
 8 method of appointing the members of the interim ~~board of trustees~~  
 9 **governing body** of a community or united school corporation. The  
 10 appointment under this subsection must be made by one (1) or more of  
 11 the class of officials listed in section ~~26.3(e)~~ **22(e)** of this chapter.

12 [20-4-1-26.7] Sec. 26. ~~Sec. 26.7:~~ (a) This section applies to each  
 13 school corporation. ~~whenever created:~~

14 (b) The ~~board of school trustees governing body~~ does not assume  
 15 its powers and duties until the date ~~when~~ the community school  
 16 corporation becomes effective. For a ~~period of~~ thirty (30) days ~~prior to~~  
 17 **before** the date on which the ~~board of school trustees governing body~~  
 18 ~~of the a~~ community school corporation assumes office, ~~the an~~ existing  
 19 school corporation having territory that will be included within the  
 20 boundaries of a community school corporation ~~shall not may not~~  
 21 contract or place the school corporation under any further obligations,  
 22 except upon written approval of the county committee.

23 (c) The transfer of:

- 24 (1) powers;
- 25 (2) duties;
- 26 (3) property rights;
- 27 (4) other assets;
- 28 (5) liabilities;
- 29 (6) contracts both as to rights and obligations; and
- 30 (7) all else connected with the transfer of authority from existing

31 school corporations to the community school corporation;  
 32 takes place at the time of the formation and creation of the community  
 33 school ~~corporations corporation~~ and are vested in the community  
 34 school **corporation**. ~~corporations of that time:~~

35 [20-4-1-26.8] Sec. 27. ~~Sec. 26.8:~~ (a) This section applies to each  
 36 school corporation. ~~whenever created:~~

37 (b) The ~~community school corporation board of school trustees~~  
 38 **governing body** shall:

- 39 (1) divide the community school corporation into ~~the~~ attendance  
 40 units that are proper; [QUERY: What is "proper"] ~~and~~
- 41 (2) adopt rules with respect to the units; ~~and~~
- 42 (3) **provide adequate and practical transportation** ~~Whenever~~  
 43 **if** a reorganization plan provides for the transportation of ~~pupils~~  
 44 **students** from one (1) part of a community school corporation to  
 45 a central point. ~~the board of school trustees of the community~~  
 46 ~~school corporation shall provide adequate and practical~~



1 ~~transportation.~~

2 [20-4-1-26.10] Sec. 28. ~~Sec. 26.10.~~ (a) This section applies to a  
3 community school corporation located in a county containing a  
4 consolidated city.

5 (b) The same method used to cast votes for all other offices for  
6 which candidates have qualified to be on the election ballot must be  
7 used for the school board offices on the election ballot.

8 [20-4-1-27.1] Sec. 29. ~~Sec. 27.1.~~ (a) The governing body of a school  
9 corporation may be organized under this section.

10 (b) The governing body consists of seven (7) members, elected as  
11 follows:

12 (1) Four (4) members elected from districts, with one (1) member  
13 serving from each electoral district. A member elected under this  
14 subdivision must be:

15 (A) a resident of the electoral district from which the member  
16 is elected; and

17 (B) voted upon by only the registered voters residing within  
18 the electoral district and voting at a **school board governing**  
19 **body** election.

20 (2) Three (3) members, who are voted upon by all the registered  
21 voters residing within the school corporation and voting at a  
22 **school board governing body** election, elected under this  
23 subdivision. The governing body shall establish three (3)  
24 residential districts as follows:

25 (A) One (1) residential district must be the township that has  
26 the greatest population within the school corporation.

27 (B) Two (2) residential districts must divide the remaining  
28 area within the school corporation.

29 Only one (1) member who resides within a particular residential  
30 district established under this subdivision may serve on the  
31 governing body at a time.

32 (c) A member of the governing body who is:

33 (1) elected from an electoral or residential district; or

34 (2) appointed to fill a vacancy from an electoral or residential  
35 district;

36 must reside within the boundaries of the district the member represents.

37 (d) A vacancy on the governing body shall be filled by the  
38 governing body as soon as practicable after the vacancy occurs. A  
39 member chosen by the governing body to fill a vacancy holds office for  
40 the remainder of the unexpired term.

41 (e) The members of the governing body serving at the time a plan  
42 is amended under this section shall establish the electoral and  
43 residential districts described in subsection (b).

44 (f) The electoral districts described in subsection (b)(1):

45 (1) shall be drawn on the basis of precinct lines;

46 (2) may not cross precinct lines; and



(3) as nearly as practicable, be of equal population, with the population of the largest exceeding the population of the smallest by not more than fifteen percent (15%).

(g) The residential districts described in subsection (b)(2) may:

(1) be drawn in any manner considered appropriate by the governing body; and

(2) be drawn along township lines.

(h) The governing body shall certify the districts established under subsections (f) and (g) to:

(1) the ~~Indiana~~ state board; ~~of education~~; and

(2) the county election board of the county in which the school corporation is located.

(i) The governing body shall, in the governing body's discretion, [QUERY: shall or may?] designate:

(1) three (3) of the districts established under this section to be elected at the first school board election that occurs after the effective date of the plan; and

(2) the remaining four (4) districts to be elected at the second school board election that occurs after the effective date of the plan.

[20-4-1-27.2] Sec. 30. ~~Sec. 27.2:~~ (a) This section applies to a school corporation located in a county containing a consolidated city.

(b) The same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the ~~school board~~ **governing body** offices on the election ballot.

[IC 20-4-1-29] Sec. 31. ~~Sec. 29:~~ (a) ~~From and after July 20, 1959, No A consolidation or reorganization of a school corporations by means of or procedures under laws of this state in effect on July 20, 1959, shall corporation does not become effective until and unless such the consolidation or reorganization is approved by the state board.~~

(b) Except to the extent set forth in subsection (a), this chapter is ~~intended to be and~~ shall be construed as being supplemental to all ~~existing laws appertaining to public schools in this state: Indiana.~~

[20-4-1-30] Sec. 32. ~~Sec. 30: (1)~~ (a) When an entire county has been reorganized in the manner and procedure provided in under this chapter or IC 20-23-16-1 through IC 20-23-16-11, as amended, by the creation of a community school corporation or corporations for the entire county, the county committee shall be dissolved. Where the term of any member of a county committee expires prior to the time of ~~such~~ dissolution of the county committee, the judge shall fill ~~such a~~ vacancy by replacement or reappointment for a term of four (4) years in accordance with ~~the provisions of~~ sections 5 through ~~14~~ 11 of this chapter and IC 20-23-16-2. In the event the membership of an entire county committee shall at any time be vacant by resignation or otherwise, the judge shall appoint a new county committee in



accordance with ~~the provisions of~~ sections 5 through ~~14~~ **11** of this chapter or **IC 20-23-16-2**.

~~(2)~~ **(b)** After a county committee has been dissolved, if ~~the local school trustees governing body~~ or the ~~state superintendent of public instruction~~ deems further reorganization necessary to improve educational opportunities for the ~~pupils~~ **students** in the county, the local school trustee or the state superintendent ~~of public instruction~~ shall submit proposed changes to the state board. ~~of education~~. If the changes proposed by ~~such the local school trustees governing body~~ or the state superintendent ~~of public instruction~~ are approved by the state board ~~of education~~ the proposal ~~shall become~~ **becomes** effective under the procedure specified in sections ~~20 14~~ through ~~24~~ **18** of this chapter so far as the same are applicable.

[20-4-1-31] Sec. 33. ~~Sec. 31:~~ Any county committee formed ~~pursuant to the provisions of~~ **under** this chapter and the state board ~~shall have the power to may~~ accept donations of money or other articles of value ~~for the purpose of assisting to assist~~ in financing the studies authorized by this chapter.

[20-4-1-32] Sec. 34. ~~Sec. 32:~~ **(a)** ~~For the purpose of defraying To~~ **defray** the expenses of the county study, a county committee may prepare and submit to the county council on or before August 1 of each year during the life of the committee, a budgetary request. The county council may, upon receipt of ~~such a~~ request, establish a uniform ad valorem tax levy on all real and personal property ~~situated~~ within the county, in ~~such an~~ amount ~~as shall be~~ sufficient to raise an amount of money not to exceed the amount of ~~such the~~ budget request.

**(b)** The county committee may request from the county council sufficient sums of money necessary to defray legal expenses incident to placing the county plan in operation.

[20-4-1-33] Sec. 35. ~~Sec. 33:~~ The state board of accounts shall prescribe accounting forms to be used by the county committees and shall audit the financial records of each county committee ~~not less frequently than at least~~ once every three (3) years.

[20-4-1-34] Sec. 36. ~~Sec. 34:~~ **(a)** The state board ~~of education~~ shall enforce the rules compiled under ~~IC 20-1-1-6,~~ **IC 20-19-2-8**, which establish procedures and standards for the construction of, addition to, or remodeling of school facilities. The commission shall apply these rules equally to facilities to be used or leased by both community school corporations and school corporations ~~which that~~ are not community school corporations.

**(b)** ~~No A~~ school building or ~~an~~ addition to a school building may ~~not~~ be constructed and ~~no a~~ lease of a school building for a term of more than one (1) year may ~~not~~ be entered into by a school corporation other than a community school corporation or by two (2) or more school corporations jointly without the approval of the state board. ~~of education~~. For the purposes of this subsection, "community school



corporation" ~~shall~~ **does** not include a community school corporation governed by an interim board of school trustees.

(c) ~~No~~ **An** action to question any approval referred to in this section or to enjoin school construction or the performance of any of the terms and conditions of a lease or the execution, sale, or delivery of bonds, on the ground that any such approval should not have been granted ~~shall~~ **may not** be instituted at any time later than fifteen (15) days after ~~such~~ approval has been granted. [QUERY - IC 20-1-1-6 DOES NOT GIVE THE STATE BOARD THE AUTHORITY TO ADOPT RULES DEALING WITH CONSTRUCTION ]

[20-4-1-40] Sec. 37. ~~Sec. 40: Any~~ **A** plan approved by:

(1) ~~any~~ **a** county committee or committees; and

(2) ~~by~~ the state board ~~prior to~~ **before** May 1, 1984;

may provide for or be amended to provide for delaying the commencement of the terms of some members of the governing body for a period of one (1) year and for extending the terms of their predecessors for one (1) year where this is necessary to prevent a majority of the board from taking office at any one time.

[20-4-1-42] Sec. 38. ~~Sec. 42:~~ (a) This section applies only to a school corporation with territory in a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000).

(b) This section applies if there is a:

(1) tie vote in an election for a member of the governing body of a school corporation; or

(2) vacancy on the governing body of a school corporation.

(c) Notwithstanding any other law, if a tie vote occurs among any of the candidates for the governing body or a vacancy occurs on the governing body, the remaining members of the governing body, even if the remaining members do not constitute a majority of the governing body, shall by a majority vote of the remaining members:

(1) select one (1) of the candidates who shall be declared and certified elected; or

(2) fill the vacancy by appointing an individual to fill the vacancy.

(d) An individual appointed to fill a vacancy under subsection (c)(2):

(1) must satisfy all the qualifications required of a member of the governing body; and

(2) shall fill the remainder of the unexpired term of the vacating member.

(e) If a tie vote occurs among the remaining members of the governing body or the governing body fails to act within thirty (30) days after the election or the vacancy occurs, the fiscal body (as defined in IC 3-5-2-25) of the township in which the greatest percentage of population of the school district resides shall break the tie or make the appointment. A member of the fiscal body who was a





1 candidate and is involved in a tie vote may not cast a vote under this  
2 subsection.

3 (f) If the fiscal body of a township is required to act under this  
4 section and a vote in the fiscal body results in a tie, the deciding vote  
5 to break the tie vote shall be cast by the executive.

6 [20-4-2-1] Sec. 39. ~~Sec. 1.~~ Any community school corporation  
7 created or organized at any time under ~~IC 20-4-1~~ **IC 20-23-4** may  
8 change its name at any time by adoption of a resolution by majority  
9 vote of ~~its board of trustees or other~~ **the** governing body.

10 **Chapter 5. Community School Corporations: Territory**  
11 **Annexations**

12 [20-4-4-1] Sec. 1. As used in this chapter; ~~the following terms shall~~  
13 ~~have the following meanings:~~

14 ~~(a)~~ **(1) "School corporation" shall be means:**

15 ~~(A)~~ any school corporation created pursuant to ~~IC 20-4-1~~;  
16 **under IC 20-23-4; and**

17 ~~(B)~~ ~~shall also be~~ any other school corporation established  
18 under any other statute of the state of Indiana, which ~~school~~  
19 ~~corporation~~ has common boundaries with any school  
20 corporation or corporations formed pursuant to ~~IC 20-4-1~~;  
21 **under IC 20-23-4;**

22 but ~~shall~~ **does not include mean** any public school corporation  
23 located in whole or any part in a county containing a consolidated  
24 city.

25 ~~(b)~~ **(2) "Annex", "annexing", "annexation", and "school**  
26 **annexation" shall refer to mean** any action whereby the  
27 boundaries of any school corporation are changed so that  
28 additional territory, constituting all or a part of any one (1) or  
29 more other school corporations, is transferred to ~~it~~ **the school**  
30 **corporation.**

31 ~~(c)~~ **(3) "Acquiring school corporation" shall be means** the school  
32 corporation ~~which that~~ acquires territory as a result of  
33 annexation.

34 ~~(d)~~ **(4) "Losing school corporation" shall be means** any school  
35 corporation ~~which that~~ loses territory to an acquiring school  
36 corporation by annexation.

37 ~~(e)~~ **(5) "Annexed territory" shall be means** the territory acquired  
38 by an acquiring school corporation as a result of annexation from  
39 a losing school corporation.

40 ~~(f)~~ **(6) "Resolution" of a school corporation shall refer to means**  
41 a resolution ~~duly~~ adopted by ~~its~~ **the school corporation's**  
42 governing body.

43 [20-4-4-2] Sec. 2. Subject to the limitations and ~~procedure~~  
44 ~~procedures set out~~ in this chapter, ~~any~~ **a** school corporation may annex  
45 territory from any other school corporation by resolutions of the  
46 acquiring and losing school corporations ~~as provided in~~ **under** section



3 of this chapter.

[20-4-4-3] Sec. 3. An annexation may be effected by any school corporation as follows:

(a) ~~Both~~ **(1)** The acquiring and the losing school corporations shall each adopt a substantially identical annexation resolution.

~~This~~ **The** resolution ~~shall~~ **must** contain the following items:

(1) ~~(A)~~ **(A)** The name of the acquiring school corporation, **which may differ from the name of the acquiring corporation at the time of the adoption of the resolution**, after the effective date. ~~of the annexation, which name may differ from the name of the acquiring corporation at the time of the adoption of the resolution.~~

(2) ~~(B)~~ **(B)** A description of the annexed territory. ~~Such~~ **The** description shall as near as reasonably possible:

(i) be by streets and other boundaries known by common names; and

(ii) need not be ~~in addition~~ by legal description unless ~~such~~ **the** additional description is necessary to identify the annexed territory.

No notice ~~shall be~~ **is** defective if there is a good faith compliance with this section and if the area designated may be ascertained with reasonable certainty by persons skilled in the area of real estate description.

(3) ~~(C)~~ **(C)** The time the annexation takes place.

(4) ~~(D)~~ **(D)** Any terms and conditions facilitating education of ~~pupils~~ **students** in the:

(i) annexed territory;

(ii) ~~in the~~ losing school corporation; or

(iii) ~~in the~~ acquiring school corporation.

~~Such~~ **The** terms may provide for ~~but shall not be limited to~~; the continued attendance by ~~children~~ **students** in the annexed territory at schools in the losing school corporation for specified periods ~~of time~~ after annexation on a transfer basis. In ~~such~~ instances **where students continue attendance in schools in the losing school corporation**, transfer tuition for ~~such the children~~ **students** shall be paid by the acquiring school corporation to the losing school corporation:

(i) ~~in the manner using the method~~; and

(ii) at the rates;

provided by the **Indiana** statutes ~~of the state of Indiana~~ governing the computation and payment of transfer tuition costs.

(5) ~~(E)~~ **(E)** Disposition of assets and liabilities of the losing school corporation to the acquiring school corporation.

(F) Allocation between the acquiring and losing school corporations of subsequently collected school taxes levied on



property in the annexed territory.

~~(G) and~~ The amount, if any, to be paid by the acquiring school corporation to the losing school corporation on account of property received from the ~~latter losing school corporation~~. Such disposition, allocation and amount

**(H) Dispositions, allocations, and amounts transferred under this subsection shall must** be equitable.

~~(b) (2)~~ After the adoption of ~~such the~~ resolution, notice shall be given by publication in both the acquiring **school corporation** and the losing school ~~corporations~~ **corporation** setting out:

**(A)** the text of the resolution; ~~together with and~~

**(B)** a statement that ~~such the~~ resolution has been adopted and that a right of remonstrance exists as provided in this chapter.

**(3)** It ~~shall not be~~ **is not** necessary to set out the remonstrance provisions of this chapter. ~~but a~~ **A** general reference to a right of remonstrance with a reference to this chapter ~~shall be~~ **is** sufficient.

**(4)** The annexation ~~shall take~~ **takes** effect:

**(A)** within thirty (30) days after ~~such~~ publication; or

**(B)** at the time provided in the resolution;

whichever is later, unless within ~~such the~~ period **during which a remonstrance may be filed** a remonstrance is filed in the circuit or superior court of the county where the annexed territory or any part thereof of the annexed territory is located, by registered voters residing in the losing school corporation at least equal in number to the greater of the following:

~~(1) (A)~~ Ten percent (10%) of the number of registered voters residing in the losing school corporation. ~~or~~

~~(2) (B)~~ Fifty-one percent (51%) of the number of registered voters residing in the annexed territory.

[20-4-4-4] Sec. 4. (a) The notice by publication required by section 3 of this chapter shall be made:

**(1)** two (2) times;

**(2)** a week apart;

**(3)** in two (2) daily newspapers of general circulation, published in the English language and of general circulation in the acquiring school corporation and in the losing school corporation.

**(b)** Where there is:

**(1)** only one (1); or

**(2)** no; ~~such~~

daily newspaper in either ~~such~~ school corporation, a weekly newspaper or newspapers may be used.

**(c)** Where there is only one (1) ~~such~~ daily ~~and/or~~ **or** weekly newspaper, publication in ~~such the paper shall be~~ **newspaper is** sufficient.

**(d)** Where any newspaper is of general circulation in both ~~corporations; the acquiring school corporation and the losing school~~



1 ~~corporation, any~~ publication in ~~such the~~ newspaper shall qualify  
 2 **qualifies** as one (1) of the required publications in ~~each of the school~~  
 3 ~~corporations: acquiring school corporation and the losing school~~  
 4 **corporation.**

5 (e) Publication may be made jointly by the losing **school**  
 6 **corporation** and acquiring school ~~corporations: corporation.~~

7 (f) The remonstrance period ~~shall run~~ runs from the second ~~such~~  
 8 publication.

9 [20-4-4-5] Sec. 5. (a) A remonstrance under section 3 of this chapter  
 10 must be in the following or a substantially similar form:

11 "The undersigned hereby remonstrate against the annexation of  
 12 the following described territory situated in \_\_\_\_\_ County,  
 13 Indiana, whereby it would be transferred from \_\_\_\_\_ (the losing  
 14 corporation) to \_\_\_\_\_ (the acquiring corporation):

15 (Description of the annexed territory sufficient to identify it)."

16 The remonstrance may be filed in any number of counterparts. Each  
 17 counterpart shall have attached to it the affidavit of the person  
 18 circulating it that each signature appearing ~~thereon~~ on the  
 19 **remonstrance** was affixed in ~~his~~ the presence of the person  
 20 **circulating the petition** and is the true and lawful signature of the  
 21 person who made it: **the signature**. The person who makes the affidavit  
 22 need not be one (1) of the persons who signs the counterpart to which  
 23 ~~it the affidavit~~ is attached. The remonstrance must be accompanied by  
 24 a complaint filed by one (1) or more of the remonstrators (who shall be  
 25 treated as a representative of the entire class of remonstrators) and  
 26 signed by the remonstrator or the remonstrator's attorney, stating the  
 27 reasons for the remonstrance. The reasons for the remonstrance are  
 28 limited to the following:

29 (1) There is a procedural defect in the manner in which the  
 30 annexation is carried out which is jurisdictional.

31 (2) The annexed territory does not form a compact area abutting  
 32 the acquiring corporation.

33 (3) The benefits to be derived from the annexation are outweighed  
 34 by ~~its~~ the detriments, taking into consideration the respective  
 35 benefits and detriments to the schools and of the ~~pupils~~ **students**  
 36 residing in the acquiring school corporation, the losing school  
 37 corporation, and the annexed territory.

38 (4) The:

39 (A) disposition of assets and liabilities of the losing **school**  
 40 corporation;

41 (B) ~~the~~ allocation of school tax receipts between the ~~two~~ (2)  
 42 **acquiring school corporations; corporation and the losing**  
 43 **school corporation; and**

44 (C) ~~the~~ amount to be paid by the acquiring school corporation  
 45 as set out in the annexation resolution;

46 are inequitable. Except with respect to subdivision (1), the



allegations may be made in the statutory language.

(b) The plaintiff in a remonstrance under section 3 of this chapter must be the person whose name appears on the complaint. The defendants in a remonstrance under section 3 of this chapter shall be both the acquiring **school corporation** and the losing ~~corporations~~. **school corporation**. Service of process shall be made on the defendants as in other civil actions.

(c) For ~~the~~ purposes of determining whether the petition was timely filed, the time of filing is the time of filing with the clerk without regard to the time of issuance of the summons. If the thirtieth day falls on Sunday, a holiday, or any other day when the clerk's office is not open, the time shall be extended to the next day when the office is open.

(d) The issues in a remonstrance under section 3 of this chapter are made up by the complaint. The allegations in the complaint shall be treated as denied by each defendant. No responsive pleading need or may be filed except that any defendant may, if appropriate, file a motion to dismiss the remonstrance on the ground **that**:

- (1) ~~that~~ the requisite number of qualified remonstrators have not signed the petition;
- (2) ~~that~~ the remonstrance was not timely filed; or
- (3) ~~that~~ the complaint does not state a cause of action.

No responsive pleading to this motion need or may be filed. With respect to a motion under subdivisions (1) and (2), the allegations of the pleading shall be treated as denied by the remonstrators. For purposes of determining whether there are the requisite number of qualified remonstrators, a person may not withdraw the person's name after a remonstrance has been filed or add the person's name to the remonstrance. Any person may, however, at the trial of the cause and in support or derogation of the substantive matters in the complaint, introduce into evidence a verified statement that the person wishes the person's name added to or withdrawn from the remonstrance. The court may either hear all or a part of the matters raised by the motion to dismiss separately or may consolidate for trial all or a part of the matters with the matters relating to the substance of the case. No complaint shall be dismissed for failure to state a cause of action if a fair reading of the complaint supports one (1) of the grounds for remonstrance provided in subsection (a). **The court may permit** an amendment of the complaint ~~may be permitted in the discretion of the court~~ if **it the amendment** does not state a new ground of remonstrance.

(e) The trial of a remonstrance shall be conducted as other civil cases by the court without the intervention of a jury on the issues raised by the complaint, a motion to dismiss, or both. A change of venue from a judge, but no change of venue from the county, shall be permitted. The court shall expedite the hearing of the case. The court's judgment,



except with respect to any matter raised under subsection (a)(4), shall be either that:

- (1) the annexation shall take place;
- (2) ~~that~~ the annexation shall not take place; or
- (3) ~~that~~ the remonstrance shall be dismissed.

If the court finds that the remonstrators have proved any of the reasons for the remonstrance described in subsection (a)(1) through (a)(4), the court's judgment shall be that the annexation ~~shall~~ **may** not take place. Unless the remonstrators have proved at least one (1) of the reasons for a remonstrance described in subsection (a)(1) through (a)(4), the court's judgment shall be that the annexation shall take place. With respect to any matter raised under subsection (a)(4), the court's judgment may be either that the disposition, allocation, and amount set out in the annexing resolution is equitable or that it is inequitable. In the latter event, the court in the court's judgment shall provide for an equitable disposition, allocation, and amount. Costs shall follow judgment. Appeals may be taken from any judgment of the court in the same manner as appeals are taken in other civil cases.

[20-4-4-6.1] Sec. 6. ~~Sec. 6-1-~~ (a) Within sixty (60) days after the annexation takes place, ~~each the~~ governing body of the acquiring **school corporation** and losing school ~~corporations~~ **corporation** shall adopt a plan ~~for itself~~ determining the manner in which ~~its the~~ governing body shall be constituted. The plan shall be adopted in accordance with the requirements and procedures of ~~IC 20-4-10.1, IC 20-23-8,~~ except as set out in subsection (b).

(b) The adoption of a plan by the governing body in accordance with IC 20-4-10.1-5, and its submission to the state board ~~of education~~ under ~~IC 20-4-10.1-9, IC 2--23-8-10,~~ ~~shall be~~ **are** the only ~~procedure~~ **procedures** required when an existing plan is changed as follows:

- (1) All ~~school board~~ **governing body** members are elected at large, and there are no ~~school board~~ **governing body** member residency districts.
- (2) ~~School board~~ **Governing body** members are elected from ~~school board governing body~~ member residency districts, **and** the annexed territory is added to or deleted from one (1) or more districts.
- (3) A ~~school board~~ **governing body** member is appointed from a given area or district, **and** the annexed territory is added to or deleted from one (1) or more districts or areas.
- (4) A ~~board~~ **governing body** member is elected solely by the voters in a school ~~board~~ **governing body** member district, but ~~where~~ the addition or deletion of the annexed territory to or from an existing district does not constitute a denial of equal protection of the laws.

~~Where~~ **If** a school corporation elects or appoints members of its governing body both from a school ~~board~~ **governing body** member



district encompassing the entire school corporation and from smaller districts, the governing body of the acquiring school corporation shall add the annexed territory both to the district consisting of the entire school corporation and to one (1) or more smaller districts. In a comparable situation, the losing school corporation shall delete the annexed territory both from the district consisting of the entire school corporation and from any smaller district or districts. The change in the plan ~~shall become~~ **becomes** effective upon its approval by the state board. ~~of education.~~ The application of this subsection ~~shall~~ **does** not limit the initiation of, or further changes in, any plan under ~~IC 20-4-10.1.~~ **IC 20-23-8.**

[20-4-4-7] Sec. 7. (a) With respect to whether the disposition of the assets and liabilities of the losing school corporation, allocation of school tax receipts and the amount to be paid by the acquiring school corporation is equitable, the court subject to ~~the provisions of subdivision (b)~~ **subsection (b)**, shall be satisfied that the annexing resolution conforms substantially to the following standards:

(1) The acquiring school corporation shall assume a ~~portion~~ **part** of all installments of principal and interest on any indebtedness of the losing school corporation (other than current obligations or temporary borrowing) ~~which that~~ fall due after the end of the last calendar year in which the losing school corporation is entitled to receive current tax receipts from property tax levies on the property on the annexed territory. ~~Such~~ **The portion shall consist part consists** of the following:

(i) **(A)** All ~~such~~ installments relating to any indebtedness incurred in connection with the acquisition or construction of any building located in the annexed territory. ~~and~~

(ii) **(B)** A proportion of all ~~such~~ installments relating to any other indebtedness ~~which that~~ is the same proportion as the valuation of the real property in the annexed territory bears to the valuation of all the real property in the losing school corporation, as the ~~same~~ **indebtedness** is assessed for general taxation immediately ~~prior to~~ **before** annexation.

(2) The acquiring school corporation shall make the payments and assume the obligations provided for school corporation acquiring territory ~~and/or~~ **and a** building or buildings under IC 21-5-10.

(3) Unless the losing school corporation ~~shall consent~~ **consents** to some other ~~allocation;~~ **allocation**, the ~~portion~~ **part** of the general fund ~~moneys~~ **money** collected by the losing school corporation ~~shall may~~ not be allocated to the acquiring school corporation in a greater amount than would be awarded if ~~such~~ **two (2) corporations the losing school corporation and the acquiring school corporation** were respectively the "original school corporation" and the "annexing school corporation" within the meaning of ~~IC 20-4-16;~~ **IC 20-23-16**, using the method



~~therein~~ provided in IC 20-23-16 for allocating the special school and tuition fund ~~moneys~~: **money**.

(b) ~~Such standards~~ **Standards under subsection (a)** ~~shall may~~ not be applicable to the extent the losing **school corporation** and acquiring school ~~corporations~~ **corporation** otherwise agree in a situation where all or a majority of the students in the annexed territory have been transferred from the losing **school corporation** to the acquiring school corporation for the five (5) school years immediately preceding the transfer. ~~Such agreement, as~~ **The agreement** between school corporations ~~shall may~~ not ~~however~~, prejudice the rights of bondholders or lessors whose rights ~~as~~ against the losing **school corporation** and acquiring school ~~corporations~~ **corporation** shall, upon enforcement, be allocated between ~~them~~ **the losing school corporation and acquiring school corporation** in accordance with subsection (a)(1) and ~~(2)~~: **(a)(2)**.

[20-4-4-8] Sec. 8. (a) ~~In the event any~~ **If a** remonstrance is filed on ~~any ground~~ **grounds** other than ~~that set forth the grounds~~ in section 5(a)(4) of this chapter, annexation ~~shall does~~ not become effective until final judgment in the remonstrance suit. Judgment ~~shall may~~ not be considered to be final until:

(1) the time for taking an appeal has expired; or

(2) ~~if an appeal is taken within such time until~~ final judgment in the appeal is **entered**.

A judgment of the trial court dismissing a remonstrance ~~shall be considered to be~~ is a final judgment. ~~subject to the provisions of the preceding sentence. In the event such~~ **If** judgment is against the annexation, no further annexation of the annexed territory may take place for ~~a period of~~ two (2) years ~~from after~~ the date ~~such the~~ remonstrance was filed. ~~This Final judgment shall not, however, does not~~ prevent either the:

(1) acquiring **school corporation**; or

(2) ~~the~~ acquiring **school corporation** and losing; school corporations from rescinding the annexation resolution. ~~and in such event the suit shall be dismissed without prejudice. In such latter event If the suit is dismissed without prejudice, such the~~ two (2) year prohibition ~~shall does~~ not apply unless a subsequent annexation resolution is adopted primarily for the purpose of harassment and not for some other purpose, ~~such as including~~ the correction of procedural irregularities or a substantial change in the annexed territory ~~and/or~~ or the annexation resolution.

(b) ~~Where~~ **If** the remonstrance relates solely to any matter raised under section 5(a)(4) of this chapter, the annexation ~~shall take~~ **takes** effect at the time provided under section 3 of this chapter.

[20-4-4-9] Sec. 9. All laws or parts of laws in conflict with this chapter are ~~hereby~~ repealed. This chapter shall not, however, be construed to repeal any part of ~~IC 20-4-1, IC 20-23-4,~~ or any statute





concerning the consolidation of two (2) or more school corporations, to which this chapter ~~shall be~~ **is** supplementary, except to the extent that ~~IC 20-4-1~~ **IC 20-23-4** conflicts with the subsequent provisions of this section. No annexation that is undertaken pursuant to, ~~under~~, or that results by operation of, any section of this chapter ~~shall require~~, **requires**, for its effectiveness, any approval of any county committee or state commission or committee created pursuant to, or referred to in, ~~IC 20-4-1~~ **IC 20-23-4**.

#### **Chapter 6. Consolidation of School Corporations**

[20-4-5-1] Sec. 1. (a) **For purposes of this chapter, the school corporations in subsection (b)(1) through (b)(5) are referred to as "school corporations".**

(b) ~~The school trustees~~ **governing body** of any two (2) or more school corporations, whether:

- (1) towns;
- (2) cities;
- (3) townships;
- (4) joint schools; or
- (5) consolidated schools; ~~(referred to in this chapter as school corporations)~~

situated in the same or adjoining counties are hereby authorized and empowered to consolidate their respective school corporations in the manner and upon the conditions prescribed in this chapter.

[20-4-5-2] Sec. 2. (a) Whenever the ~~school trustees~~ **governing bodies** of any two (2) or more school corporations desire to consolidate ~~their respective~~ school corporations, ~~they~~ **the governing bodies** may meet together and adopt a joint resolution declaring ~~their~~ intention to consolidate ~~their respective~~ school corporations. ~~Said~~ **The** resolution ~~shall~~ **must** set out the following information concerning the proposed consolidation:

- (1) The name of the proposed new school corporation.
- (2) The number of members on the ~~school board~~ **governing body** and the manner in which they shall be elected or appointed.

(A) If ~~such~~ members are to be elected, the resolution ~~shall~~ **must** provide for:

- ~~(A)~~ (i) the manner of ~~their~~ **the** nomination of members;
- ~~(B)~~ (ii) who shall constitute the board of election commissioners;
- ~~(C)~~ (iii) who shall appoint inspectors, judges, clerks, and sheriffs; and
- ~~(D)~~ (iv) any other provisions desirable in facilitating ~~such~~ **the** election.

(B) Where applicable and not in conflict with ~~such~~ **the** resolution, ~~such~~ **the** election ~~shall be~~ **is** governed by the general election laws of ~~the state~~, **Indiana**, including the registration laws.



(3) Limitations on residences, term of office, and other qualifications required of the members of ~~such school board: the governing body. However, no~~ A resolution ~~shall may not~~ provide for an appointive or elective term of more than four (4) years. ~~but any~~ Any member may succeed himself or herself in office.

(4) Names of present school corporations ~~which that~~ are to be merged together as a consolidated school corporation.

In addition, ~~such the~~ resolution may specify the time when the consolidated school corporation ~~shall come~~ comes into existence.

(b) The number of members on the school board as provided in the resolution ~~shall may~~ not be less than three (3) ~~nor or~~ more than seven (7). However, the joint resolution may provide for a board of nine (9) members if the proposed consolidated school corporation is formed out of two (2) or more school corporations that:

(1) have entered into an interlocal agreement for the purpose of constructing and operating a joint high school; or

(2) are operating a joint high school that has an enrollment of at least six hundred (600) in grades 9 through 12 at the time the joint resolution is adopted.

(c) ~~Said trustees~~ The members of the governing board shall, after adopting ~~such a~~ joint resolution, give notice by publication once each week for two (2) consecutive weeks in a newspaper of general circulation, if any, in each of ~~said the~~ school corporations. ~~and if in any such~~ If no newspaper is published in the school corporation, ~~no newspaper is published; then publication~~ publication shall be made in the nearest newspaper published in the county ~~wherein such in which~~ the school corporation is located. The ~~school trustees of such governing bodies of corporation; or boards; school corporations~~ [QUERY: or the governing board:] shall meet one (1) week following the date of the appearance of the last publication of notice of intention to consolidate. ~~and~~ If no protest has been filed, as provided in this chapter, ~~they the governing bodies~~ shall ~~then and there~~ declare by joint resolution ~~such the~~ consolidation of ~~such the~~ school corporations to be accomplished, to take effect as provided in section 7 of this chapter. However, on or before the sixth day following the last publication of ~~such the~~ notice of intention to consolidate, twenty percent (20%) of the legal voters residing in any ~~of such~~ school ~~corporations corporation~~ may petition the ~~school trustees of their respective governing body of the~~ school corporations for an election to determine whether or not the majority of the voters of ~~such the~~ school corporation is in favor of ~~such~~ consolidation.

[20-4-5-3] Sec. 3. (a) Whenever the joint resolution under section 2 of this chapter ~~shall have provided~~ provides that the consolidated schools shall be under the direction of the county superintendent of schools, the resolution may be amended by following the procedure ~~set~~



out in this section to provide that the consolidated schools ~~shall be~~ **are** under the direction of a superintendent selected by the ~~school board~~ **governing body** of the new consolidated school corporation. The change shall be effected by a resolution adopted by a majority of the members of the ~~school board~~ **governing body** at a meeting held within the limits of the consolidated school corporation. All the members of the ~~school board~~ **governing body** shall receive or waive written notice of the:

(1) date;

(2) time;

(3) place; and

(4) purpose;

of the meeting. The resolution and proof of service or waiver of the notice shall be made a part of the records of the ~~school board~~ **governing body**. An amendment ~~shall take~~ **takes** effect after the adoption of a resolution at the time a superintendent is selected by the ~~school board~~ **governing body** and commences ~~his~~ **the** ~~superintendent's~~ **duties, as superintendent**. The superintendent shall serve under a contract in the same manner and under the same rules governing the employment and service of other licensed personnel. ~~His~~ **The superintendent's** original contract, and succeeding contracts, may be for a period of from one (1) to five (5) years.

(b) The joint resolution of a consolidated school corporation may not be amended under this section ~~however~~, unless the corporation is entitled at the time ~~its school board~~ **the governing body** adopts an amending resolution, under:

(1) the rules established by the ~~Indiana~~ state board, ~~of education~~, or its successor; or

(2) ~~under~~ any appropriation or other statute;

to an additional unit, or administrative unit, of state support if ~~it~~ **the governing body** employs a licensed superintendent devoting full time to administration or supervision of schools of the corporation.

(c) In all instances of reorganization under this chapter ~~on and~~ after March ~~12~~, **11**, 1965, the consolidated school corporation ~~shall be~~ **is** under the direction of a superintendent selected by its ~~school board~~ **governing body**.

[20-4-5-4] Sec. 4. (a) Whenever a petition is filed in one (1) or more of the school corporations protesting ~~such~~ consolidation as provided in this chapter, by the legal voters of any school corporation the ~~trustees~~ **governing body** of which propose to consolidate, ~~then~~ the ~~trustees~~ **governing body** in each ~~such~~ school corporation in which ~~such~~ a protest petition is filed shall certify the **public** question to each county election board of a county in which the school corporation is located. The county election board shall call an election of the voters of ~~such~~ **the** school corporation to determine ~~whether if~~ a majority of the legal voters of ~~such the~~ corporation ~~are is~~ in favor of consolidating the



1 school corporations.

2 **(b)** If a protest is filed in more than one (1) ~~of such corporations;~~  
 3 **school corporation**, the elections shall be held on the same day. Each  
 4 county election board shall give notice by publication once each week  
 5 for two (2) consecutive weeks in a newspaper of general circulation in  
 6 ~~such the~~ school corporation. If no ~~such~~ newspaper is published in the:

7 **(1)** township;

8 **(2)** town; or

9 **(3)** city;

10 then **the notice shall be published** in the nearest newspaper published  
 11 in the county or counties, that on a day and at an hour to be named in  
 12 the notice, the polls ~~shall will~~ be open at the usual voting places in the  
 13 various precincts in the corporation for taking the vote of the legal  
 14 voters upon whether the school corporation shall be consolidated with  
 15 the other school corporations joining in ~~such the~~ resolution.

16 **(c)** The **public** question shall be placed on the ballot in the form  
 17 provided by IC 3-10-9-4 and must state: "Shall (insert name of school  
 18 corporation) be consolidated with (insert names of other school  
 19 corporations)?".

20 **(d)** Notice shall be given within thirty (30) days after the petition is  
 21 filed. The election shall be held not less than ten (10) days or more than  
 22 twenty (20) days after the last publication of the notice.

23 **(e)** The ~~school trustees governing body~~ of each school corporation  
 24 in which an election is held shall be bound by the majority vote of  
 25 those voting. However, if ~~such the~~ election ~~should fail~~ **falls** within a  
 26 period of not more than six (6) months before a primary or general  
 27 election, ~~such the~~ election shall be held concurrently with ~~such the~~  
 28 primary or general election.

29 **(f)** If a majority of those voting in any one (1) ~~of such~~ school  
 30 ~~corporations shall~~ **corporation vote votes** against ~~such the~~ plan of  
 31 consolidation, ~~such the~~ plan ~~shall fail~~ **fails**. However, ~~such the~~ failure  
 32 shall not prevent any or all of ~~such the~~ school corporations from taking  
 33 further initial action for the consolidation of school corporations under  
 34 ~~the provisions of~~ this chapter.

35 ~~(b)~~ **(g)** When:

36 **(1)** twenty percent (20%) of the legal voters residing in any school  
 37 corporation join with twenty percent (20%) of the legal voters in  
 38 each of one (1) or more other school corporations; ~~and~~

39 **(2)** prepare a resolution; and

40 **(3)** petition the trustees of their respective school corporations;  
 41 to consolidate ~~each of~~ the school corporations, as set out in the  
 42 resolution, ~~it shall be the duty of the school trustees governing body~~  
 43 petitioned ~~to shall~~ call the school election provided for in this chapter  
 44 in each of the school corporations.

45 **(h)** Notice of ~~such the~~ election shall be published within thirty (30)  
 46 days after the filing of ~~such the~~ resolution with the ~~trustees governing~~



body of the school corporation where it is last filed. However, if any of such the petitioned school trustees governing bodies agree agrees to such the consolidation as set out in the resolution, then no election in that school corporation shall may be required pursuant to such under the resolution.

(i) However, Notice as set out in this section shall be given and a protest requesting an election may be filed in conformity with section 2 of this chapter.

[20-4-5-5] Sec. 5. (a) On the day and hour named in said the notice filed under section 4 of this chapter, such polls shall be opened, and the votes of the registered voters shall be taken upon the public question of consolidating such school corporations. Said The election shall be governed by IC 3, except as provided in this chapter.

(b) The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall (here insert the names of the school corporations which that the resolution proposes to consolidate) be consolidated into a consolidated school corporation?".

(c) A brief statement of the provisions in the resolution for appointment or election of a school board governing body may be placed on the ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes cast for and against the consolidation of such the school corporations shall be filed with:

- (1) the trustees governing body of the school corporations subject to the election;
- (2) the state superintendent; of public instruction; and
- (3) the county recorder of each county in which such a consolidated school corporation is located;

together with a copy of the resolution.

(d) If a majority of the votes cast at each of such the elections are is in favor of the consolidation of two (2) or more of such school corporations, such the trustees of said the school corporations shall proceed to consolidate said the schools and provide the necessary buildings and equipment. In any school corporation where no petition was filed and no election held, such failure on the part of the voters to file a petition for an election shall be deemed to give constitutes the consent of the voters of such the school corporation to the consolidation as set out in the resolution.

(e) If the special election is not conducted at a primary or general election, the expense of said the election shall be borne by the school corporation or each of them the school corporations subject to the election and shall be paid out of the special school fund. [QUERY: THERE IS NO SPECIAL SCHOOL FUND.]

[20-4-5-6] Sec. 6. (a) Each school of such the consolidated schools shall be is under the control and management of the original school trustees governing board until such the consolidated school



corporation ~~shall come~~ **comes** into existence at the time provided in section 7 of this chapter. ~~at which time~~ **When the consolidated school corporation comes into existence**, the term of office of each of ~~said~~ **the original school trustees shall expire: members of the governing body expires.**

(b) ~~Provided, however, that the~~ **The** term of any township trustee ~~shall does~~ not expire. ~~but his~~ **However, the** duties and powers ~~of the~~ **trustee** as a school township trustee may be altered or changed by any ~~such~~ resolution and the consolidation provided for in this chapter.

[20-4-5-7] Sec. 7. (a) Consolidated schools ~~shall be~~ **are** under the control and management of the consolidated ~~school board governing body~~ **body** created ~~pursuant to~~ **under** this chapter, and a new consolidated school corporation ~~shall come~~ **comes** into existence:

(1) at the time specified in the resolutions provided in section 2 or 3 of this chapter; or

(2) if no time is specified, at the following times:

(+) (A) If no protest has been filed and the creation is accomplished by the adoption of a joint resolution following publication of notice as provided in section 2 of this chapter, thirty (30) days following the adoption of the joint resolution.

(-) (B) If the creation is accomplished after an election as provided in section 5 of this chapter, thirty (30) days following the election.

(b) The members of the ~~school board governing body~~ **body** shall:

(1) take an oath ~~to faithfully to~~ discharge the duties of ~~their~~ office; and

(2) ~~shall~~ meet at least five (5) days ~~prior to~~ **before** the time the new consolidated school corporation comes into existence to organize.

(c) The ~~board governing body~~ **body** shall meet to reorganize on August 1 of each year and at any time the personnel of the board is changed. At the organization or reorganization meeting, the members of the ~~board governing body~~ **body** shall elect one (1) ~~of their number: member as~~ **a:**

(1) president;

(2) ~~one~~ (+) secretary; and

(3) ~~one~~ (+) treasurer.

(d) The treasurer, before starting ~~upon~~ the duties of the treasurer's office, shall execute a bond to the acceptance of the county auditor. The fee for the bond shall be paid from the special school fund of the consolidated school corporation. Any vacancy occurring in ~~any board governing body~~ **membership in any board; governing body**, other than vacancy in the office of an ex officio member, ~~if any~~, shall be filled in the following manner:

(1) If the membership was originally made by appointment, then the vacancy shall be filled by appointment by the legislative body



of the:

- (A) city;
- (B) town;
- (C) ~~or~~ township;
- (D) ~~or~~ other body; or
- (E) official;

making the original appointment.

(2) If the membership was elective, then the vacancy shall be filled by a majority vote of the remaining members of the ~~school board~~ **governing body** of the consolidated school corporation.

**[QUERY: THERE IS NO SPECIAL SCHOOL FUND OF THE CONSOLIDATED SCHOOL CORPORATION.]**

~~(c)~~ (e) The members of the ~~school board~~, **governing body**, other than the township executive or ex officio member if ~~any~~, shall receive ~~such~~ compensation for ~~their~~ services as ~~may be~~ fixed by resolution of the ~~school board~~, **governing body**. ~~but in no event shall~~ The members, other than the township executive or any ex officio member, if ~~any~~, **may not** receive more than two hundred dollars (\$200) ~~per year each~~ **annually**. Any:

- (1) township executive; or
- (2) ex officio member of the ~~board~~ **governing body**;

shall serve without additional compensation.

~~(d)~~ (f) The ~~school board~~ **governing body** of a consolidated school corporation ~~is authorized to may~~ elect and appoint personnel ~~as it considers necessary. and expedient.~~

[20-4-5-8] Sec. 8. (a) When any:

- (1) ~~such~~ school town;
- (2) school city;
- (3) school township;
- (4) joint school; or
- (5) consolidated school;

~~shall have~~ **has** become consolidated by resolution or election, and the new ~~school board~~ **governing body** ~~shall have~~ **has** been appointed and ~~have been~~ **duly** and legally organized, ~~such the former~~ school township, school town, school city, joint school, or consolidated school ~~shall be deemed to have been~~ **is** abandoned.

(b) All school:

- (1) property;
- (2) rights;
- (3) ~~and~~ privileges; **and**
- (4) ~~as well as~~ any indebtedness;

from the abandoned school ~~shall be deemed is considered~~ to have accrued to and be assumed by the new consolidated school corporation. The title of ~~such~~ property shall pass to and become vested in the new consolidated school corporation. All debts of the former school corporations shall be assumed and paid by ~~such the~~ new consolidated



1 school corporation. All the privileges and rights conferred by law upon  
2 ~~such the former~~:

- 3 (A) school township;
- 4 (B) school town;
- 5 (C) school city;
- 6 (D) joint school; or
- 7 (E) consolidated school;

8 are granted to ~~such the~~ newly consolidated school corporation.

9 ~~(b)~~ (c) This subsection applies whenever the consolidated ~~school~~  
10 ~~board governing body~~ of a consolidated school corporation decides  
11 that property acquired under subsection ~~(a)~~ (b) from a township is no  
12 longer needed for school purposes. The ~~school board governing body~~  
13 shall offer the property as a gift for park and recreation purposes to the  
14 township that owned the property before the school was consolidated.  
15 If the township board accepts the offer, the ~~school board governing~~  
16 ~~body~~ shall give the township a quitclaim deed to the property. ~~This~~  
17 ~~The~~ deed must state that the township is required to use the property  
18 for park and recreation purposes. If the township board refuses the  
19 offer, the ~~school board governing body~~ may sell the property in the  
20 manner provided in ~~subsection (c)~~: **subsection (d)**.

21 ~~(c)~~ (d) This subsection provides the procedure for the sale of school  
22 property that is no longer needed for school purposes by the ~~board~~  
23 ~~governing body~~ of a consolidated school corporation. The ~~board~~  
24 ~~governing body~~ shall cause ~~the~~ property to be appraised at a fair cash  
25 value by three (3) reputable resident freeholders of the school  
26 corporation offering ~~such the~~ property for sale. ~~Said The~~ appraisals  
27 shall be made under oath and spread of record upon the records of ~~said~~  
28 ~~board: the governing body~~. ~~No A sale shall may not~~ be made for less  
29 than the appraised value, and ~~the sale~~ must be made for cash. The sale  
30 ~~shall must~~ take place after the ~~board governing body~~ gives notice  
31 under IC 5-3-1 of the terms, time, and place of sale.

32 ~~(d)~~ (e) Proceeds from any sale under ~~subsection (e)~~ **subsection (d)**  
33 shall be placed in a special school fund of such consolidated school  
34 corporation designated as the capital outlay fund ~~which that~~ shall be  
35 available for capital outlay of ~~said the~~ school corporation. **[QUERY:**  
36 **THERE IS NO CAPITAL OUTLAY FUND. THERE ARE**  
37 **CAPITAL PROJECTS FUNDS. ]**

38 [20-4-5-12] Sec. 9. ~~Sec. 12:~~ (a) The ~~school board governing body~~  
39 of ~~the a~~ consolidated school corporation formed ~~pursuant to~~ under this  
40 chapter may join with ~~any number of~~ other:

- 41 (1) townships;
- 42 (2) school towns;
- 43 (3) school cities;
- 44 (4) joint schools; or
- 45 (5) consolidated schools;

46 ~~in deciding to decide whether or not such a joinder consolidation shall~~





1 take place.

2 (b) The provisions ~~relative to:~~ **concerning:**

3 (1) resolutions;

4 (2) petitions; and

5 (3) elections; ~~as~~

6 set out in this chapter ~~shall~~ apply. ~~Such~~

7 (c) ~~The~~ new resolution may change the name of the consolidated  
8 school corporation or the number of members of the newly  
9 consolidated ~~school board;~~ **governing body** ~~within the limits of under~~  
10 this chapter.

11 [20-4-5-13] Sec. 10. ~~Sec. 13. Such school board~~ **A governing body**  
12 shall, after the members ~~thereof~~ have taken their oath of office, cause  
13 a copy of the resolution to consolidate to be filed with the county  
14 recorder in the county in which ~~such the~~ new school district is located.  
15 Any ~~such~~ consolidated school district is ~~hereby~~ declared to be and is  
16 ~~hereby~~ made a school corporation for school purposes, separate and  
17 distinct from any civil corporation.

18 [20-4-5-14] Sec. 11. ~~Sec. 14. (a) Wherever the term~~ **For purposes**  
19 **of this chapter, "trustees" or "school trustees" is used in this chapter;**  
20 **it shall mean means** the:

21 (1) township trustee and township board; **or**

22 (2) ~~school board governing body; board of school trustees, or~~  
23 ~~board of school commissioners~~

24 of each school corporation joining in the resolution provided for in this  
25 chapter.

26 (b) ~~The term "school board" shall mean~~ **"Governing body" means**  
27 the governing body of the consolidated school corporation provided for  
28 in the resolution adopted by the school corporations joining in ~~such the~~  
29 resolution and consolidation.

30 [20-4-5-25.5] Sec. 12. ~~Sec. 25.5. (a) This section provides an~~  
31 alternative method for a school corporation to ~~reorganize be~~  
32 **reorganized** as a community school corporation.

33 (b) The following may petition directly to the state board to be  
34 reorganized as a community school corporation:

35 (1) A consolidated school corporation organized under section 2  
36 of this chapter.

37 (2) A county school corporation organized under ~~IC 20-4-8-2.~~  
38 **IC 20-23-16-15.**

39 (3) A metropolitan school district organized under ~~IC 20-4-8-12~~  
40 **IC 20-23-7-2 or IC 20-4-8-24. IC 20-23-7-12.**

41 (c) The following apply to a school corporation that petitions  
42 directly to the state board under subsection (b):

43 (1) The school corporation is not required to do the following:

44 (A) Seek approval of a county committee established by  
45 ~~IC 20-4-1-5.~~ **IC 20-23-4-5.**

46 (B) Pursue a joint meeting of a county committee and the state



1 board under ~~IC 20-4-1-17.1~~. **IC 20-23-4-12.**

2 (2) The state board may waive the attainment of any standard  
3 required for reorganization as a community school corporation  
4 under this chapter.

5 [20-4-7-1] Sec. 13. ~~Sec. 1:~~ Whenever the ~~term and~~ word "majority"  
6 is used in connection with ~~the provisions of~~ any law providing for the  
7 submission to an electorate of the question of the consolidation of two  
8 (2) or more school corporations, in all laws enacted before March 13,  
9 1959, concerning ~~or pertaining to~~ school consolidation, and in  
10 particular ~~IC 20-4-5~~ **IC 20-23-6** and ~~IC 20-4-8~~, **IC 20-23-7**, ~~such terms~~  
11 **the word** shall mean and be interpreted as the greater number of votes  
12 cast and counted either for or against the proposition of consolidation.  
13 Any additions to the certificate of the votes cast, other than the number  
14 of votes cast for and against said proposition of consolidation, shall be  
15 considered as surplusage and of no effect, and the intention of  
16 ~~IC 20-4-5~~ **IC 20-23-6** and of ~~IC 20-4-8~~ **IC 20-23-7**, shall be so  
17 interpreted.

18 [20-4-7-2] Sec. 14. ~~Sec. 2:~~ All laws ~~heretofore~~ enacted pertaining to  
19 the consolidation of school corporations shall be liberally construed to  
20 effect the ~~purpose~~ **following purposes** for which ~~they the laws~~ were  
21 enacted: ~~namely:~~

- 22 (1) Better schools.
- 23 (2) Ease of administration. ~~and~~
- 24 (3) Economy of operation.

25 [20-4-7-3] Sec. 15. ~~Sec. 3: In all instances~~ **An action to test or**  
26 **question the legality of a consolidated school corporation may only**  
27 **be brought in an action of quo warranto in the name of the state on**  
28 **information filed by the prosecuting attorney of the county in**  
29 **which the principal office of the consolidated school corporation is**  
30 **located** where attempts are made, or have been made, to consolidate or  
31 join together school corporations under the provisions of ~~IC 20-4-5~~  
32 **IC 20-23-6** or ~~IC 20-4-8~~, **IC 20-23-7**, and ~~where~~ an election on the  
33 question of consolidation has been held and the certificate certifying  
34 the vote is filed as provided by law or, ~~where in the event no~~ an  
35 election is **not** held **and** the number of days allowed by ~~such~~ statutes  
36 for filing a petition for an election has expired. ~~any action filed after~~  
37 ~~March 13, 1959, to test or question the legality of the consolidated~~  
38 ~~school corporation shall only be brought in an action of quo warranto~~  
39 ~~in the name of the state of Indiana on information filed by the~~  
40 ~~prosecuting attorney of the county wherein the principal office of such~~  
41 ~~consolidated school corporation is located.~~

42 [20-4-7-4] Sec. 16. ~~Sec. 4:~~ (a) As used in this section, "school  
43 corporation" has the meaning set forth in ~~IC 20-4-1-3~~. **IC 20-23-4-3.**

44 (b) It is the policy of the state that whenever a school corporation  
45 seeks to:

- 46 (1) reorganize into a community school corporation under



~~IC 20-4-1~~ IC 20-23-4 or IC 20-13-16-1 through IC 20-13-16-11;

(2) enter into a territorial annexation under ~~IC 20-4-4~~ IC 20-23-5 either as an acquiring school corporation or a losing school corporation (as defined in ~~IC 20-4-4-1~~); IC 20-23-5-1);

(3) consolidate with another school corporation under ~~IC 20-4-5~~; IC 20-23-6; or

(4) consolidate with another school corporation into one (1) metropolitan school district under ~~IC 20-4-8~~; IC 20-23-7;

the school corporation shall give consideration to the educational opportunities for students, local community interest, the effect on the community as a whole, and the economic interests of the community relative to establishing the boundaries of the school corporation that is involved in the school corporation reorganization, consolidation, or annexation attempt.

[20-4-13-1] Sec. 17. ~~Sec. 17. (a) Any If the territory of a~~ third class city ~~is in the territory of which constitutes~~ a part of the territory of a consolidated school corporation, ~~the third class city shall be authorized to grant may lease to such the consolidated school corporation for school purposes; any a building and the property the building is on that is owned by such the city together with the real estate upon which such building is situated; theretofore leased to and used for school purposes by such consolidated school corporation during for a period of at least five (5) consecutive years.~~

(b) ~~Such grant shall be authorized by~~ The common council of ~~such the city shall authorize a lease under subsection (a) and the authorization may be made:~~

(1) without appraisalment; or

(2) without compensation; or

(3) upon such terms as may be agreed upon.

(c) The possession and use of ~~any a specified portion part of such property that a city leases under this section may be reserved by such the city for such a period of time; for such city use. by the city; and upon such terms as may be agreed upon. Each such grant shall be A lease made under this section shall be~~ in the form of a deed or other written instrument ~~which that may be recorded. The grant must state that if but in all cases may provide that in the event such the property is no longer needed for school purposes, the property the same shall revert reverts back to such the city. Such A consolidated school corporation acting by through its board of school trustees shall be authorized to may accept such grant a lease:~~

(1) without either appraisalment; or

(2) compensation; ~~therefor~~ or

(3) upon ~~such agreed upon~~ terms; as may be agreed to by its board of school trustees.

[20-4-13-2] Sec. 18. ~~Sec. 2:~~ This chapter, being necessary and



intended to remedy deficiencies in laws existing on June 30, 1955, relating to powers of certain municipal corporations and of certain school corporations, ~~shall not be deemed to~~ **does not** repeal the provisions of those laws governing ~~such~~ corporations but to supplement and clarify those laws, and to that end shall be liberally construed.

**[QUERY - CAN THIS SECTION BE REPEALED?]**

**Chapter 7. Consolidation of County School Corporations and Metropolitan School Districts**

[20-4-8-1] Sec. 1. It ~~shall be~~ **is** the purpose of this chapter to provide for ~~such the~~ organization of public schools in Indiana ~~as will to:~~

(1) promote the best interests of the ~~children students of the state;~~ **Indiana;** and

(2) ~~to~~ provide for the organization of additional forms of local school government;

(3) ~~to~~ preserve and ~~insure~~ **ensure** an economical and efficient school system in accordance with the desires of the people in ~~the several~~ local communities; ~~to the end that continued;~~ **and**

(4) ~~improvement in~~ **improve** the education of the ~~children students of this state may be carried on~~ **Indiana** as guaranteed by the constitution and laws of the state of Indiana.

[20-4-8-12] Sec. 2. ~~Sec. 12:~~ (a) In any county or adjoining counties at least two (2) school corporations, including, ~~but not limited to~~ school townships, school towns, school cities, consolidated school corporations, joint schools, metropolitan school districts, ~~or~~ township school districts, **or** community school corporations, regardless of whether ~~such the~~ consolidating school corporations are of the same or of a different character, may consolidate into one (1) metropolitan school district. Subject to subsection (h), the consolidation ~~shall~~ **may** be initiated by following either of the following procedures:

(1) The township trustee, board of school trustees, board of education, or other governing body (~~such (the~~ trustee, board, or other governing body ~~being is~~ referred to elsewhere in this section as the "governing body") of each school corporation to be consolidated shall:

(A) adopt substantially identical resolutions providing for the consolidation; and

(B) publish a notice setting out the text of the resolution one (1) time under IC 5-3-1.

The resolution must set forth any provision for staggering the terms of the board members of the metropolitan school district elected under this chapter. If, not more than thirty (30) days ~~following such~~ **after publication of the resolution**, a petition of protest, signed by at least twenty percent (20%) of the registered voters residing in ~~such the~~ school corporation is filed with the clerk of the circuit court of each county where the voters who are eligible to sign the petition reside, a referendum election shall be



held as provided in subsection (c).

(2) Instead of the adoption of substantially identical resolutions in each of the proposed consolidating school corporations ~~as described in~~ **under** subdivision (1), a referendum election under subsection (c) shall be held on the occurrence of all of the following:

(A) At least twenty percent (20%) of the registered voters residing in a particular school corporation sign a petition requesting that the school corporation consolidate with another school corporation (referred to in this subsection as "the responding school corporation").

(B) The petition described in clause (A) is filed with the clerk of the circuit court of each county where the voters who are eligible to sign the petition reside.

(C) Not more than thirty (30) days after the service of the petition by the clerk of the circuit court to the governing body of the responding school corporation under subsection (b) and the certification of signatures on the petition occurs under subsection (b), the governing body of the responding school corporation adopts a resolution approving the petition and providing for the consolidation.

(D) An approving resolution has the same effect as the substantially identical resolutions adopted by the governing bodies under subdivision (1), and the governing bodies shall publish the notice provided under subdivision (1) not more than fifteen (15) days after the approving resolution is adopted. However, if a governing body that is a party to the consolidation fails to publish notice within the required fifteen (15) day time period, a referendum election still must be held as provided in subsection (c).

If the governing body of the responding school corporation does not act on the petition within the thirty (30) day ~~time~~ period described in clause (C), the governing body's inaction constitutes a disapproval of the petition request. If the governing body of the responding school corporation adopts a resolution disapproving the petition or fails to act within the thirty (30) day ~~time~~ period, a referendum election as described ~~under in~~ subsection (c) may not be held and the petition requesting the consolidation is defeated.

(b) Any petition of protest under subsection (a)(1) or a petition requesting consolidation under subsection (a)(2) ~~shall must~~ show ~~therein in the petition~~ the date on which each person has signed the petition and the person's residence on ~~such that~~ date. The petition may be executed in several counterparts, the total of which ~~shall~~ constitute the petition. Each ~~such~~ counterpart ~~shall must~~ contain the names of voters residing within a single county and shall be filed with the clerk



of the circuit court of ~~such the~~ county. Each ~~such~~ counterpart ~~shall~~  
~~must~~ have attached ~~thereto~~ to it the affidavit of the person circulating  
~~said the~~ counterpart that each signature appearing on ~~such the~~  
 counterpart was affixed in that person's presence and is the true and  
 lawful signature of each person who made ~~such the~~ signature. Any  
 signer may file ~~such the~~ petition or any counterpart ~~thereof~~ **of the**  
**petition**. Each signer on the petition ~~shall be privileged prior to~~ **is**  
 entitled before, but ~~shall is~~ not ~~be entitled~~ after, ~~such~~ the filing with  
~~such the~~ clerk, to withdraw the signer's name from the petition. ~~No~~  
~~names shall~~ **A name may not** be added to the petition after the petition  
 has been filed with the clerk. After the receipt of any counterpart of the  
 petition, each circuit court clerk shall certify:

- (1) the number of persons signing the counterpart;
- (2) the number of ~~such~~ persons who are registered voters residing  
 within that part of ~~such the~~ school corporation located within the  
 clerk's county, as disclosed by the voter registration records in the  
 office of the clerk or the board of registration of the county, or  
 wherever such registration records may be kept;
- (3) the total number of registered voters residing within the  
 boundaries of that part of ~~such the~~ school corporation located  
 within the county, as disclosed in the voter registration records;  
 and
- (4) the date of the filing of ~~such the~~ petition.

~~Such~~ Certification shall be made by each ~~such~~ clerk **within not more**  
**than** thirty (30) days after the filing of the petition, excluding from the  
 calculation of ~~such the~~ period any time during which the registration  
 records are unavailable to ~~such the~~ clerk, or within any additional time  
 as is reasonably necessary to permit ~~such the~~ clerk to make ~~such the~~  
 certification. In certifying the number of registered voters the clerk  
 shall disregard any signature on ~~such the~~ petition not made within the  
 ninety (90) days immediately ~~prior to before~~ the filing of the petition  
 with the clerk as shown by the dates set out in the petition. ~~Such The~~  
 clerk shall establish a record of the certification in the clerk's office and  
 shall serve the original petition and a copy of the certification on the  
 county election board under IC 3-10-9-3 and the governing bodies of  
 each affected school corporation. ~~The~~ Service shall be made by mail or  
 manual delivery to the governing bodies, to any officer ~~thereof of the~~  
**governing bodies** or to the administrative office of the governing  
 bodies, if any, and shall be made for all purposes ~~hereunder of this~~  
**section** on the day of the mailing or the date of the manual delivery.

(c) The county election board in each county where the proposed  
 metropolitan school district is located, acting jointly where the  
 proposed metropolitan school district is created and where it is located  
 in more than one (1) county, shall cause any referendum election  
 required under either subsection (a)(1) or subsection (a)(2) to be held  
 in the entire proposed metropolitan district at a special election. The



special election shall be not less than sixty (60) days and not more than ninety (90) days after the service of the petition of protest and certification by each clerk ~~as provided in under~~ subsection (a)(1) or (a)(2) or after the occurrence of the first action requiring a referendum under subsection (a)(2). ~~In the event,~~ However, if a primary or general election at which county officials are to be nominated or elected, or at which city or town officials are to be elected in those areas of the proposed metropolitan school district which are within the city or town, is to be held after the sixty (60) days and ~~within not more than~~ six (6) months ~~of after~~ the service or the occurrence of the first action, then each election board may hold the referendum election ~~in conjunction~~ with the primary or general election.

(d) Notice of the special election shall be given by each election board by publication under IC 5-3-1.

(e) Except where it conflicts with the special provisions of this section or cannot be practicably applied, IC 3 applies to the conduct of the ~~special referendum~~ election. If the ~~special referendum~~ election is not conducted at a primary or general election, the cost of conducting the election shall be charged to each component school corporation included in the proposed metropolitan school district in the same proportion as its assessed valuation bears to the total assessed valuation of the proposed metropolitan school district and shall be paid from any current operating fund of each component school corporation not otherwise appropriated, without appropriation. ~~therefor.~~

(f) The question in the referendum election shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the school corporations of \_\_\_\_\_ be formed into one (1) metropolitan school district under ~~IC 20-4-8?~~ **IC 20-23-7?**" (in which blanks the respective name of the school districts concerned will be inserted).

(g) If:

(1) a protest petition with the required signatures is not filed ~~subsequent to after~~ the adoption of substantially identical resolutions of the governing bodies providing for or approving the consolidation as described in subsection (a)(1); or

(2) a referendum election occurs in the entire proposed metropolitan district and a majority of the voters in each proposed consolidating school corporation vote in the affirmative;

a metropolitan school district ~~shall be~~ **is** created and ~~come~~ **comes** into existence in the territory subject to the provisions and under the conditions described in this chapter. The boundaries include all of the territory within the school corporations, and it shall be known as "Metropolitan School District of \_\_\_\_\_, Indiana" ~~(in which blank will be inserted)~~ (the name of the district concerned **will be inserted in the blank**). The name of the district shall be decided by a majority vote of the metropolitan ~~board of education~~ **governing board** of the metropolitan school district at the first meeting. The metropolitan ~~board~~



1 ~~of education governing board~~ of the new metropolitan school district  
 2 shall be composed and elected ~~in the manner provided in~~ under this  
 3 chapter. The failure of any public official or body to perform any duty  
 4 within the time ~~limits~~ provided in this chapter shall not invalidate any  
 5 proceedings taken by that official or body, but this provision shall not  
 6 be construed to authorize a delay in the holding of ~~any a~~ referendum  
 7 election ~~provided in under~~ this chapter.

8 (h) If the governing body of a school corporation is involved in a  
 9 consolidation proposal under subsection (a)(1) or (a)(2) that fails to  
 10 result in a consolidation, the:

11 (1) governing body of the school corporation may not initiate a  
 12 subsequent consolidation with another school corporation under  
 13 subsection (a)(1); and

14 (2) residents of the school corporation may not file a petition  
 15 requesting a consolidation with another school corporation under  
 16 subsection (a)(2);

17 ~~before for~~ one (1) year ~~from after~~ the date on which the prior  
 18 consolidation proposal failed.

19 [20-4-8-13] Sec. 3. ~~Sec. 13:~~ (a) It ~~shall be~~ **is** the duty of the  
 20 metropolitan school district to conduct the educational activities of all  
 21 the schools in ~~said the~~ district in ~~harmony~~ **compliance** with:

22 (1) state law; and

23 (2) ~~in general conformity with~~ the laws of the state of Indiana with  
 24 reference to public education.

25 (b) The control and administration of the schools of the  
 26 metropolitan school district ~~shall be~~ **are** vested in a metropolitan board  
 27 of education whose:

28 (1) composition;

29 (2) duties;

30 (3) manner of election; and

31 (4) powers;

32 are herein prescribed.

33 [20-4-8-14] Sec. 4. ~~Sec. 14:~~ (a) At the first meeting of the board of  
 34 commissioners of ~~such the~~ county, after the creation of ~~such the~~  
 35 metropolitan school district as provided in this chapter, ~~said the~~ board  
 36 of commissioners shall divide the district into three (3) ~~board member~~  
 37 **governing body** districts approximately equal in population. ~~Within~~  
 38 **Not more than** one (1) year ~~following after~~ the effective date of each  
 39 United States decennial census, ~~said board the board of~~  
 40 **commissioners** shall readjust the boundaries of ~~said the~~ districts if  
 41 **necessary** to equalize the ~~same districts~~ by population.

42 (b) ~~in lieu~~ **Instead** of the division provided under subsection (a),  
 43 any resolution or petition provided in section ~~12(a)~~ **2(a)** and or ~~12(b)~~  
 44 **2(b)** of this chapter may:

45 (1) provide that the metropolitan school district to be created  
 46 ~~thereby~~ shall be divided into two (2) or more ~~board member~~





governing body districts;

(2) ~~describing them;~~ describe the governing body member districts; and

(3) ~~that provide that~~ one (1) or more members of the metropolitan board of education governing body shall be resident must reside within each of said board the governing body member districts;

(4) ~~setting set~~ out the number of members to serve from each designated district;

(5) ~~The board provide that the governing body~~ member districts need not be equal in size or population, and that ~~One one~~ (1) such board member district may include all the area in the metropolitan school district;

(6) ~~specify that~~ the number of board governing body members to be resident in each district need not be an equal number; and

(7) ~~Such resolution or petition may also~~ eliminate all requirements that there be board governing body member districts.

(c) ~~Where such~~ If the resolution or petition:

(1) does not provide for board governing body member districts and designate the number of board governing body members to be resident in each district; or

(2) provides for the elimination of board governing body member districts;

subsection (a) ~~shall control:~~ controls. If either subsection (a) or (b) applies, candidates shall be voted upon by all the registered voters of the metropolitan school district voting at any school board governing body member election.

[20-4-8-15] Sec. 5. ~~Sec. 15:~~ (a) The rights, powers, and duties of said the metropolitan school district shall be vested in the metropolitan board of education governing body, which ~~shall must~~ be composed of:

(1) three (3);

(2) five (5); or

(3) seven (7) members;

who have resided in the district for at least two (2) years before taking office. The resolution ~~and/or or~~ petition provided by section ~~12(a) 2(a)~~ and or ~~12(b) 2(b)~~ of this chapter may designate the number of members of the metropolitan board of education: governing body. Where no such designation is made concerning the number of members of a governing body, the number governing body shall be is composed of five (5) members.

(b) Where section ~~14(a) 4(a)~~ of this chapter applies to a metropolitan school district, the following rules shall apply:

(1) If the metropolitan board of education is to consist governing body consists of three (3) members, one (1) member shall reside in each residence district.



(2) If ~~such board is to consist~~ **the governing body consists** of five (5) members, not more than two (2) shall reside in any one (1) residence district.

(3) If ~~such board is to consist~~ **the governing body consists** of seven (7) members, at least two (2) shall reside in any one (1) residence district.

(c) Where a ~~board governing body~~ member moves ~~his the~~ **member's** residence within the metropolitan school district from one (1) ~~board governing body~~ member district to another or when ~~board governing body~~ member district boundaries are moved so that ~~his the~~ **member's** place of residence changes from one (1) ~~board governing body~~ member district to another, ~~he shall the member does~~ not on this account become disqualified as a ~~board governing body~~ member, but may continue to hold ~~his~~ office as a member of the ~~board governing body~~.

[20-4-8-16] Sec. 6. ~~Sec. 16:~~ (a) The first metropolitan board of education shall be composed of the: ~~respective:~~

(1) trustees; and

(2) members of school boards;

of the school corporations forming the ~~same~~ **metropolitan board of education**.

(b) **The members of the metropolitan board of education** shall serve ex officio as members ~~thereof~~ subject to ~~all~~ the laws **relative to concerning** length of terms, powers of election, or appointment and filling vacancies applicable to their respective ~~offices:~~ **offices**.

(c) ~~Provided, however, That if, with respect to any~~ **If** a metropolitan school district ~~created after March 15, 1963, the operation of this provision results in there being is comprised of~~ only two (2) board members, ~~such the~~ two (2) members shall appoint a third board member **within not more than** ten (10) days following after the creation of ~~such the~~ metropolitan school district. ~~in the event such If~~ the two (2) members are unable to agree on, or do not make, the appointment of a third board member within ~~such period, the ten (10) day period after the creation of the metropolitan school district, the third member he~~ shall be appointed **within not more than** twenty (20) days following after the creation of ~~such the~~ metropolitan school district by the judge of the circuit court of the county in which ~~such the~~ metropolitan school district is located. ~~or in the event it If the metropolitan school district is located in two (2) or more counties, by the judge of the circuit court of the county containing that portion of the metropolitan school district having more pupils students than the portion or portions part or parts located in any other another county or counties shall appoint the third member.~~ The members of the metropolitan board of education ~~shall~~ serve until their successors are elected or appointed and qualified.

(d) The first meeting of the first **metropolitan board of education**



shall be held ~~within not more than~~ one (1) month ~~following~~ after the creation of ~~such~~ the metropolitan school district. ~~It~~ **The first meeting** shall be called by the superintendent of schools, or township trustee of a school township, of the school corporation in ~~said~~ the district having the largest number of ~~pupils~~ **students**. At ~~such~~ the first meeting, the board shall organize, and during the first ten (10) days of each ~~succeeding~~ July ~~it the board~~ shall reorganize, by electing a president, a vice president, a secretary, and a treasurer.

(e) The secretary of the board shall keep an accurate record of the minutes of the **metropolitan board of education** and ~~which the~~ minutes shall be kept in ~~said~~ the superintendent's office. ~~Whenever such~~ **When a** metropolitan school district ~~shall be~~ **is** formed, the metropolitan superintendent shall act as administrator of the board and shall carry out ~~such the~~ acts and duties as ~~shall be~~ designated by the board. A quorum ~~shall consist~~ **consists** of a majority of the members of the board. ~~which in all cases shall be~~ **A quorum is** required for the transaction of business. The vote of a majority of those present ~~shall be~~ **is** required for ~~any a~~:

- (1) motion;
- (2) ordinance; or
- (3) resolution;

to pass.

(f) The board shall conduct its affairs in the manner ~~prescribed herein elsewhere for conduct of metropolitan boards of education; shall described in this section.~~ Except in unusual cases, **the board shall** hold its meetings at the office of the metropolitan superintendent of ~~schools~~ or at a place mutually designated by the board and the superintendent. ~~and shall maintain~~ **Board records are to be maintained** and ~~transact all board business is to be conducted from such place: the office of the metropolitan superintendent or a place designated by the board and the superintendent.~~

(g) The metropolitan board of education shall have the power to pay to ~~each a~~ member of the board:

- (1) a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars (\$125) per year; and
- (2) for travel to and from ~~their homes~~ **a member's home** to the place of ~~the~~ meeting within the district, a sum for mileage equal to ~~that sum the amount~~ per mile paid to state officers and employees. The rate per mile shall change ~~each time when~~ the state government changes its rate per mile.

[20-4-8-17] Sec. 7. ~~Sec. 17:~~ (a) The transfer of:

- (1) powers;
- (2) duties;
- (3) property;
- (4) property rights;
- (5) other assets;



1           (6) liabilities;

2           (7) contracts, both as to rights and obligations; and ~~all else~~

3           **(8) other issues** connected with the transfer of authority from  
4           existing school corporations to the metropolitan school district;  
5           shall take place at the time of the first meeting of the metropolitan  
6           board of education ~~within~~ **not more than** one (1) month after the  
7           creation ~~thereof of the board~~.

8           **(b) The transfer of the items listed in subsection (a) and are**  
9           ~~hereby~~ declared vested in the metropolitan school district ~~as of that at~~  
10          **the time of the first meeting of the metropolitan board of education.**

11          [20-4-8-18] Sec. 8. ~~Sec. 18:~~ (a) Members of the metropolitan board  
12          of education ~~shall be~~ **are** elected by the registered voters of the  
13          metropolitan school district at the primary elections held biennially in  
14          the state, commencing with the next primary election ~~which that~~ is  
15          held more than sixty (60) days after the creation of the metropolitan  
16          school district as provided in this chapter. Nominations for ~~each a~~  
17          member of the board of education ~~shall be~~ **are** made by a petition  
18          signed by the nominee and by ten (10) registered voters residing in the  
19          same board member district as the nominee. ~~Such A~~ petition shall be  
20          filed not earlier than the date ~~on which that~~ a petition of nomination  
21          may first be filed under IC 3-8-6-10 and not later than noon on the last  
22          date provided by IC 3-8-2-4 for the filing of a declaration of candidacy  
23          for the primary election with the clerk of the circuit court in each  
24          county ~~in which such where the~~ metropolitan school district is located.

25          (b) Nominees for school board members shall be listed on the  
26          primary election ballot in the form prescribed by IC 3-10-1-19, by  
27          board member districts without party designation. ~~Such A~~ ballot shall  
28          state the number of board members to be voted upon and the maximum  
29          number ~~which of board members who~~ may be elected from each  
30          board member district in compliance with section ~~15 5~~ of this chapter.  
31          ~~No A ballot shall be is not valid where if~~ more than ~~such the~~ maximum  
32          number **of board members** are voted upon from ~~any such a~~ board  
33          member district. The election boards in the various precincts and in the  
34          county or counties serving at ~~each a~~ primary election shall conduct the  
35          election for school board members. ~~Each A~~ registered voter may vote  
36          in ~~such a~~ school board election without otherwise voting in the primary  
37          election.

38          (c) Voting and tabulation of votes shall be conducted in the same  
39          manner as voting and tabulation in primary elections are conducted,  
40          and the candidates having the greatest number of votes shall be elected.  
41          If more than the maximum number **of candidates** ~~which that~~ may be  
42          elected from ~~any a~~ board member district, as provided in section ~~15 5~~  
43          of this chapter, are among those having the greatest number of votes,  
44          the lowest of those candidates from ~~such the~~ board member district in  
45          excess of ~~such the~~ maximum number ~~shall must~~ be eliminated in  
46          determining the candidates who are elected. ~~In the event of If there is~~



a tie vote for ~~any of said~~ the candidates, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of ~~said the~~ candidates who shall be declared and certified elected.

(d) If ~~at any time~~ after the first board member election ~~there shall occur~~ a vacancy on the board ~~occurs, for any reason~~, including the failure of ~~the a~~ sufficient number of petitions for candidates being filed, and whether the vacating member was elected or appointed, the remaining members of the metropolitan board of education ~~whether or not a majority of the board~~, shall by a majority vote fill ~~such the~~ vacancy by appointing a person from the board member district ~~from which that~~ the person who vacated the board membership was elected, or if ~~such the~~ person was appointed, the board member district from which the last elected predecessor of ~~such the~~ person was elected. ~~In the event of~~ If there is a tie vote among the remaining members of the board or their failure to act ~~within not more than~~ thirty (30) days after ~~any such the~~ vacancy occurs, it ~~shall be~~ is the duty of the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside to make ~~such the~~ appointment. A successor to ~~such the~~ appointive board member shall be elected at the next primary election ~~which that~~ is held more than sixty (60) days after ~~any an~~ elected board member vacates membership on the board, or at the primary election held immediately ~~prior to before~~ the end of the term for which ~~such the~~ vacating member was elected, whichever is sooner. Unless ~~such the~~ successor takes office at the end of the term of ~~such the~~ vacating member, the member shall serve only for the balance of ~~such the~~ term. In ~~any an~~ election of a successor board member to fill a vacancy for a two (2) year balance of a term, nominating petitions for school board membership candidacy need not be filed for or with reference to the vacancy. However, as required by IC 3-11-2-14.5, candidates for at-large seats ~~shall must~~ be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the lowest number of votes at the election at which ~~such the~~ successor is elected shall serve for ~~such a~~ two (2) year term.

(e) At the first primary election ~~wherein in which~~ members of the metropolitan board of education ~~shall be~~ are elected under this section, a simple majority of the elected candidates, consisting of those elected candidates who receive the highest number of votes, ~~shall be~~ are elected for four (4) year terms and the balance of the elected candidates, consisting of those who received the lowest number of votes, ~~shall be~~ are elected for two (2) year terms. ~~All Candidates A~~ candidate for membership on the metropolitan board of education:

- (1) shall be voted upon by the voters of the entire district;
- (2) shall be elected for four (4) year terms after the first election;
- and



(3) shall take office and assume ~~their~~ **the duties of the office** July 1 following their election.

[20-4-8-18.5] Sec. 9. ~~Sec. 18.5:~~ (a) This section applies to a metropolitan or consolidated school corporation located in a county containing a consolidated city.

(b) The same method used to cast votes for ~~all~~ other offices for which candidates have qualified to be on the election ballot ~~must~~ **shall** be used for the school board offices on the election ballot.

[20-4-8-19] Sec. 10. ~~Sec. 19:~~ (a) ~~It shall be the duty of~~ The metropolitan board of education ~~to~~ **shall** appoint a metropolitan superintendent of schools who shall serve under contract in the same manner and under the same laws ~~as shall that~~ govern the employment and service of other licensed school personnel. ~~and his~~ **The metropolitan superintendent of school's** salary and expense allowance ~~shall be~~ **is** fixed by ~~said the metropolitan board of education.~~ **His The metropolitan superintendent of school's** original contract:

(1) ~~shall be~~ **is** for a period of one (1) to five (5) years; as ~~mutually agreed upon;~~ and

(2) may be changed ~~and/or or~~ extended. ~~at any time;~~ by mutual agreement.

**[QUERY - 20-6.1-4-18 PROVIDES THE MINIMUM TERM OF A SUPERINTENDENT'S CONTRACT IS 36 MONTHS.]**

(b) Appointments to fill a vacancy ~~in the position of~~ **for a** metropolitan superintendent of schools ~~may be made at any time and~~ shall be ~~so made as to coincide with the provisions of~~ **under** this chapter.

(c) ~~It shall be the duty of~~ The board **shall:**

(1) ~~to~~ act upon the recommendations of the metropolitan superintendent of schools; and ~~to~~

(2) make ~~all other such~~ decisions and perform ~~all other such~~ duties as ~~fall within the general framework of the laws of the state~~ **required by law.**

(d) ~~Provided, however, that the respective A:~~

(1) county superintendent;

(2) city school ~~superintendents;~~ **and/or superintendent; or such**

(3) town ~~superintendents as there may be in such~~ **superintendent;** **in a** metropolitan school district shall continue in ~~their the~~ **superintendents'** respective employment at the same salary, ~~and paid~~ in the same manner **and according to the same terms** as ~~heretofore~~ **agreed to before the formation of the metropolitan school district.** until the expiration of their respective terms or contracts of employment subject, however,

(e) **A metropolitan board of education shall:**

(1) ~~assign to the direction and assignment of the board of~~ **education to such** administrative duties; ~~and as shall be decided~~



by the said board to be advisable; and the board shall

(2) designate:

(A) one (1) of ~~said the~~ superintendents in the metropolitan school district; or such other

(B) a competent and qualified person as determined by the board; in its discretion may decide

to perform the duties of the metropolitan superintendent of the metropolitan school district as ~~defined set forth~~ in this chapter.

(f) A metropolitan board of education shall appoint a superintendent of the metropolitan school district and other administrative supervisory officers as provided in this chapter if:

(1) the previous superintendent's term expired;

(2) the previous superintendent's contract of employment ended; or

(3) the previous superintendent:

(A) died; or

(B) resigned;

At the expiration of the respective term of office or contracts of employment, or in the event of a vacancy of metropolitan superintendent of the metropolitan school district by reason of death, resignation, or otherwise, the appointment of a metropolitan superintendent of said metropolitan school district and all other administrative supervisory officers shall be made pursuant to the general powers conferred on said board as provided in this chapter.

(g) [QUERY: SHOULD ADMIN SUP. OFFICERS BE INCLUDED IN SUBDIVISION S (1) THROUGH (3)] At the expiration thereof or in the event of his death or resignation, The appointment and salary of the metropolitan superintendent of schools appointed under subsection (f) shall be made, set, and paid as provided in this chapter.

[20-4-8-22] Sec. 11. ~~Sec. 22: Provided, however, That wherever If~~ a metropolitan school district formed ~~hereunder under this chapter~~ shall ~~include includes~~ territory lying in more than one (1) county, the respective counties, boards, commissions, and officers of each of ~~said the~~ counties shall ~~do and perform and cause to be done and performed~~ all things ~~duties~~ required hereby to form such a metropolitan school district jointly and severally, as the case may require for the proper formation and functioning thereof including: but not restricted to the following:

(1) the dividing of the same territory into board member districts;

(2) the levying and ~~collection~~ collecting of taxes;

(3) and allocation of allocating receipts; thereof;

(4) the filing of petitions for nomination;

(5) the printing and distribution of distributing ballots,

(6) tabulating and certifying of election results; and



(7) filling of vacancies.

[20-4-8-24] Sec. 12. ~~Sec. 24.~~ (a) As used in this section, "school township" means ~~any a~~ school township of this state ~~which that~~:

(1) for the last full school semester immediately preceding the adoption of a preliminary resolution by the township trustee and the township board under subsection (f) or their adoption of a resolution of disapproval under subsection (g) had an average daily membership (as defined in IC 21-3-1.6-1.1(d)) of **at least** six hundred (600) ~~pupils~~ **students** in kindergarten through grade 12 in the public schools of ~~such the~~ school township; or

(2) is part of a ~~civil~~ township in which there were more votes cast for township trustee outside the school township than inside the **school** township in the general election at which ~~such the~~ trustee was elected and that ~~last~~ preceded the adoption of ~~such the~~ preliminary or disapproving resolution.

(b) As used in this section, "township trustee" means the township trustee of the ~~civil~~ township in which ~~such the~~ school township is located.

(c) As used in this section, "township board" means the township board of the ~~civil~~ township in which ~~such the~~ school township is located.

(d) As used in this section, "county" means the county in which ~~such the~~ school township is located.

(e) In ~~any a~~ school township, ~~there may be created~~ a metropolitan school district **may be created** by complying with this section. ~~Such A~~ metropolitan school district **created under this section** shall have the same boundaries as the school township. After ~~such a~~ district has been created **under this section**, the school township ~~out of which that~~ **preceded** the metropolitan school district ~~was created shall be~~ is abolished. None of the procedures or provisions governing the creation of a metropolitan school district under ~~any other another~~ section of this chapter are applicable to the creation of ~~such a~~ district under this section. After ~~such a~~ district is created under this section, the metropolitan school district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section ~~12 2~~ of this chapter.

(f) **Except as provided in subsection (g)**, a metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At ~~such the~~ meeting the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:

(A) by publication by two (2) insertions one (1) week apart in





a newspaper of general circulation published in the school township, or

**(B) if there ~~be~~ is no ~~such~~ newspaper as described in clause**

**(A), then** in a newspaper of general circulation in the county; of the adoption of ~~such the~~ resolution setting forth the text of the resolution.

(2) On the thirtieth day ~~following~~ **after** the date of the last publication of ~~such the~~ notice **under subdivision (1)**, and if ~~no~~ **a** protest has **not** been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day ~~following~~ **after** the date of the last publication of ~~such the~~ notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district ~~shall~~ **must** be created in the township in accordance with ~~such the~~ preliminary resolution, then an election ~~shall~~ **must** be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall ~~each~~ **both** be adopted at a meeting of the township trustee and township board ~~of in~~ which ~~meeting~~ the township trustee and each member of the township board received or waived a written notice of the **date**, time, place, and purpose of the meeting. ~~Such The~~ resolution and the proof of service or waiver of ~~such the~~ notice shall be made a part of the records of the township board.

(g) **Except as provided in subsection (f)**, a metropolitan school district ~~provided for in subsection (e)~~ may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, ~~within not more than~~ **ten** (10) days after the filing of a petition: ~~either~~

**(A)** adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or

**(B)** adopt a resolution disapproving ~~such the~~ **creation of the district.**

(3) If either the township trustee or a majority of township board



members vote in favor of ~~such~~ disapproving ~~the~~ resolution, an election ~~shall~~ **must** be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) ~~where if~~ an election is requested by petition.

(h) ~~Any~~ **An** election required under subsection (f) or (g) may, at the option of the township trustee be held either as a special election or in conjunction with ~~any~~ **a** primary or general election to be held ~~within~~ **not more than** one hundred twenty (120) days after the filing of ~~such~~ **a** petition under subsection (f) or the adoption of ~~such~~ **the** disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of ~~such~~ **an** election:

(1) by two (2) insertions one (1) week apart in a newspaper of general circulation in the school township; or

(2) if there is no ~~such~~ newspaper **as described in subdivision (1)**, ~~then~~ in a newspaper of general circulation published in the county.

~~Such~~ **The** notice ~~shall~~ **must** provide that on a day and at an hour named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township ~~upon~~ **regarding** whether a metropolitan school district shall be created in the township. ~~Such~~ **The** election shall be held not less than twenty (20) days and not more than thirty (30) days ~~following~~ **after** the last publication of ~~such~~ **the** notice unless a primary or general election will be conducted ~~within~~ **not more than** six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. ~~In the event such~~ **If the** election is to be a special election, the township trustee shall give ~~such~~ notice ~~within~~ **not more than** thirty (30) days after the filing of ~~such~~ **the** petition or the adoption of ~~such~~ **the** disapproving resolution.

(i) On the day and ~~hour~~ **time** named in ~~such~~ **the** notice, the polls shall be opened and the votes of the voters shall be taken ~~upon the~~ **question of regarding** whether a metropolitan school district shall be created in the school township. ~~Such~~ **IC 3 governs the** election ~~shall~~ **be governed by IC 3** except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall a metropolitan school district under ~~IC 20-4-8~~ **IC 20-23-7** be formed in the \_\_\_\_\_ School Township of \_\_\_\_\_ County, Indiana?". ~~(In which blanks~~ The name of the school township shall be ~~inserted.)~~ **inserted in the blanks.**

(j) The votes cast in ~~such~~ **the** election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a



metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. ~~of the county.~~ If the special election is not conducted at a primary or general election, the **school township shall pay the** expense of holding the election ~~shall be paid by the school township~~ out of the special school fund ~~which that~~ is ~~hereby~~ appropriated for ~~such this~~ purpose.

(k) ~~Such A~~ metropolitan school district shall, subject to section ~~17~~ 7 of this chapter, be created ~~and come into being~~ on the thirtieth day ~~following after~~ the date of the adoption of the confirming resolution under subsection (f) or of the holding of an election under subsection (h). ~~In the event any~~ **If a** public official ~~shall fail~~ **fails** to do the official's duty within the time prescribed in this section, this ~~omission shall failure does~~ not invalidate the proceedings taken under this section. ~~No An~~ action to contest the validity of the ~~formation or~~ creation of ~~such a~~ metropolitan school district under this section, ~~to declare that it has not been validly formed or created or is not validly existing,~~ or to enjoin **the operation of a metropolitan school district** ~~shall may not~~ be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the holding of an election under subsection (h). ~~Notwithstanding~~ **Except as provided in** this section, ~~no an~~ election under this subsection ~~shall may not~~ be held sooner than twelve (12) months ~~following any other such after another~~ election held under subsection (h).

(l) ~~Such A~~ metropolitan school district ~~shall be~~ **is** known as "The Metropolitan School District of \_\_\_\_\_ Township, \_\_\_\_\_ County, Indiana". The first metropolitan board of education in ~~any a~~ metropolitan school district created ~~in accordance with under~~ this section ~~shall consist~~ **consists** of five (5) members. The township trustee and the township board members ~~shall be~~ **are** ex officio members of ~~such the~~ first board, subject to ~~all the laws relative to concerning~~ length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. ~~Such The~~ ex officio members serve without other compensation or reimbursement for ~~expense expenses~~ than that ~~to which they may receive from their~~ respective offices ~~entitle them: office.~~ The township board shall, by a resolution ~~duly~~ recorded in its records, appoint the fifth member of ~~such the~~ metropolitan board of education. ~~Such The~~ fifth member shall meet ~~all of~~ the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections ~~14, 4, 15, 5, and 18~~ 4, 5, and 8 of this chapter. ~~which shall not apply to such fifth board member.~~

(m) ~~Such A~~ fifth board member shall be appointed ~~within not more than~~ fifteen (15) days ~~following after~~ the date of the adoption of the confirming resolution under subsection (f)(2) or of the holding of an



election under subsection (h). ~~Such~~ **The** first board shall hold its first meeting ~~within not more than~~ fifteen (15) days ~~thereafter~~ **after the date when the fifth board member is appointed or elected**, on a date established by the township board in the resolution in which it appoints ~~such the~~ fifth board member. The first board shall serve until July 1 ~~next~~ following the election of a metropolitan school board at the first primary election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district ~~in accordance~~ **under** with this section, the president of the metropolitan school board of ~~such the~~ district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. ~~as provided by law.~~ The metropolitan school board and superintendent of ~~such the~~ district ~~shall be entitled to~~ **may** call upon the assistance of, and use ~~any of~~ the services provided by, the county superintendent of schools. This subsection ~~shall does not however,~~ limit or take away the powers, rights, privileges, or duties of ~~such the~~ metropolitan school district or the board or superintendent of ~~such the~~ district provided in this chapter.

[20-4-8-25] Sec. 13. ~~Sec. 25:~~ In the resolution creating a county school corporation or metropolitan school district, or in the petitions requesting the creation of or requesting a referendum on the question of creating ~~such a~~ corporation or district, under **IC 20-23-16-15** or section 2 ~~or 12 or 24~~ of this chapter, the resolutions or petitions may specify when ~~such a~~ school corporation or school district shall be created ~~and come into existence~~, and ~~such the~~ corporation or district shall then be created ~~and come into existence~~ at the time provided in ~~all such the~~ resolutions or petitions.

#### **Chapter 8. Governing Body Composition Change**

[20-4-10.1-1] Sec. 1. ~~As used in this chapter, the following terms shall have the following meanings: The following definitions apply throughout this chapter:~~

(a) ~~(1)~~ "School corporation" ~~shall mean means~~ **any** a local public school corporation established under the laws of Indiana. The term does not include a school township or a school corporation covered by IC 20-23-12.

(b) "Governing body" ~~shall mean the board or commission charged by law with the responsibility of administering the affairs of a school corporation:~~

(c) ~~(2)~~ "Plan" ~~shall mean means~~ the manner in which ~~that~~ the governing body of a school corporation is constituted, including ~~but not limited to,~~ the number, qualifications, length of terms, manner, and time of selection, ~~(whether either by appointment or by election)~~ **election**, of the members of the governing body.

(d) ~~(3)~~ "Clerk of the circuit court" or "clerk" ~~shall mean means~~



the clerk of the circuit court of the county ~~in which where~~ a school corporation is located. ~~Where If~~ the school corporation is located in more than one (1) county, ~~such the~~ term ~~shall refer~~ **refers** to the clerks in each of the ~~several~~ counties ~~in which where~~ the school corporation is located.

~~(e) (4)~~ "County election board" ~~shall mean means~~ the county election board in the county ~~in which where~~ the school corporation is located. ~~Where If~~ the school corporation is located in more than one (1) county, it ~~shall mean means~~ the county election boards of the counties ~~in which where~~ the school corporation is located, acting jointly.

~~(f) (5)~~ "Judge of the circuit court" and the "circuit court" ~~shall mean means~~ the judge of the circuit court and the circuit court of the county, respectively, ~~in which where~~ the school corporation is located. ~~Where If the school corporation~~ it is located in more than one (1) county, ~~such terms~~ **"judge of the circuit court" and the "circuit court"** ~~shall refer refer~~ to the judge of the circuit court and the circuit court of the county ~~in which where~~ the largest number of registered voters of the school corporation are residents.

~~(g) (6)~~ "Voter", with respect to ~~any a~~ petition, ~~shall mean means~~ a registered voter in the school corporation as determined in this chapter.

[20-4-10.1-2] Sec. 2. (a) ~~Any~~ A plan or proposed plan ~~shall must~~ contain ~~at least~~ the following items:

(1) The number of members of the governing body, which ~~shall~~ **may** be either:

(A) three (3);

(B) five (5); or

(C) seven (7);

**members.**

(2) Whether the governing board shall be elected or appointed.

(3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of ~~IC 20-4-1-26.3~~ **IC 20-23-4-22.**

(4) If elected, whether the election shall be at the primary or at the general election ~~at which that~~ county officials are nominated or elected, and a general description of the manner of election that conforms with the requirements of ~~IC 20-4-1-26.2~~ **IC 20-23-4-21.**

(5) The limitations ~~if any~~, on:

(A) residence;

(B) term of office; and

(C) other qualifications;

required by members of the governing body.

(6) The time ~~when~~ the plan takes effect.



1 ~~Any~~ A plan or proposed plan may have ~~any~~ additional details ~~necessary~~  
 2 ~~or desirable~~, to make the provisions of the plan workable. The details  
 3 may include provisions relating to the commencement or length of  
 4 terms of office of ~~any~~ the members of the governing body taking office  
 5 under the plan.

6 (b) ~~Notwithstanding~~ **Except as provided in** subsection (a)(1), in a  
 7 city having a population of more than fifty-nine thousand seven  
 8 hundred (59,700) but less than sixty-five thousand (65,000), the  
 9 governing body described in a plan may have **as many as up to nine (9)**  
 10 members.

11 [20-4-10.1-3] Sec. 3. (a) ~~Each~~ A plan is subject to the following  
 12 limitations:

13 (1) A member of the governing body may not serve for a term of  
 14 more than four (4) years, but **a member** may succeed himself **or**  
 15 **herself** in office. This limitation does not ~~however~~, apply to  
 16 members who hold over during an interim period to effect a new  
 17 plan awaiting the selection and qualification of a member under  
 18 the new plan.

19 (2) The plan, if the members are:

20 (A) to be elected, shall conform with one (1) of the types of  
 21 board organization permitted by ~~IC 20-4-1-26.2;~~  
 22 **IC 20-23-4-21**; or

23 (B) if appointed shall conform with one (1) of the types  
 24 permitted by ~~IC 20-4-1-26.3;~~ **IC 20-23-4-22.**

25 (3) The terms of the members of the governing body, either  
 26 elected to or taking office on or before the time the plan takes  
 27 effect, may not be shortened. The terms of the members taking  
 28 office ~~pursuant to under~~ the plan ~~shall~~ **may** be shortened **if**  
 29 **necessary**, to make the plan workable on a permanent basis.

30 (4) If the plan provides for electoral districts, where ~~any~~ **a**  
 31 member of the governing body is elected solely by the voters of  
 32 a single district, the districts must be as near as practicable equal  
 33 in population. The districts ~~shall~~ **may** be reapportioned and their  
 34 boundaries changed ~~if necessary~~, by resolution of the governing  
 35 body ~~prior before~~ to the election next following the effective date  
 36 of the subsequent decennial census to preserve the equality by  
 37 resolution of the governing body.

38 (5) The plan ~~must~~ **shall** comply with the

39 (A) Constitution of the State of Indiana; and ~~the~~

40 (B) Constitution of the United States;

41 including the equal protection clauses of ~~the both~~ constitutions.

42 (6) The provisions of ~~IC 20-4-1-26.1~~ **IC 20-23-4-20** through  
 43 ~~IC 20-4-1-26.9~~ **IC 20-23-4-27 and IC 20-23-16-4** relating to the  
 44 board of trustees of a community school corporation and to the  
 45 community school corporation, including provisions relating to  
 46 powers of the board and corporation and provisions relating to the



mechanics of selection of the board, where elected and where appointed, apply to ~~any a~~ governing body set up by a plan ~~pursuant to~~ **under** this chapter and to the school corporation.

(b) The limitations set ~~out forth~~ in this section need not be specifically set ~~out forth~~ in ~~any a~~ plan, but are a part of the plan. ~~Any~~ A plan shall be construed, if possible, to comply with this chapter. If ~~any a~~ provision of the plan, or ~~any an~~ application of the plan, violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. ~~To this end, all~~ The provisions of ~~any a~~ plan are severable.

[20-4-10.1-4] Sec. 4. ~~Authorization to Change Plan~~. The plan of school board organization of ~~any a~~ governing body may be changed in accordance with the procedures set out in this chapter.

[20-4-10.1-1] Sec. 5. (a) A change in a plan may be initiated by one (1) of the following procedures:

(1) By filing a petition signed by **at least** twenty percent (20%) ~~or more~~ of the voters of the school corporation with the clerk of the circuit court.

(2) By a resolution adopted by the governing body of the school corporation.

(3) By ordinance adopted by a city legislative body under section ~~7-5~~ **8** of this chapter.

(b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 2 of this chapter.

(c) ~~Notwithstanding~~ **Except as provided in** subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), a change in a plan may be initiated by filing a petition signed by ten percent (10%) or more of the voters of the school corporation with the clerk of the circuit court.

[20-4-10.1-6] Sec. 6. (a) ~~Where the voters are~~ A voter is entitled to file ~~any a~~ petition under this chapter with the clerk of the circuit court to:

(1) initiate a plan; ~~to~~

(2) protest a plan, or

(3) ~~for~~ **initiate** an alternative plan.

(b) **If a voter files a petition under subsection (a)**, the filing and certification of the petition ~~shall be~~ **is** governed by the following provisions:

~~(a)~~ (1) The petition ~~shall~~ **must** show:

(A) the date ~~on which each that a~~ person has signed the petition; and,

(B) in order to identify the person as a registered voter of the school corporation, ~~his~~ **the person's** residence on that date.

(2) The petition may be executed in several counterparts, the total



of which ~~shall constitute~~ **constitutes** a petition. ~~Each A counterpart shall:~~ **must:**

(A) contain the names of voters residing within a single county; ~~and shall~~

(B) be filed with the clerk of the circuit court of that county; ~~Each counterpart shall~~

(C) have attached to it the affidavit of the person circulating the counterpart stating that each signature:

(i) appearing on the counterpart was affixed in ~~his the~~ **person's** presence; and

(ii) is the true and lawful signature of ~~each the~~ person who made the signature.

~~(3) Any signer~~ **A person who signs a petition or a counterpart** may file the petition or ~~any a~~ counterpart.

(4) All counterparts constituting a petition shall be filed on the same day.

~~(b) Each signer on the~~ **(5) A person who signs a petition shall be privileged prior to, but shall not be entitled after, the filing with the clerk, to filed under subsection (a) may withdraw his the person's name from the petition before the petition is filed with the clerk.** No names ~~shall may~~ be added to ~~the a~~ petition after the petition has been filed with the clerk.

~~(c) (6)~~ After the receipt of ~~the a~~ petition, ~~each the~~ clerk shall:

(A) strike all signatures appearing on the petition more than once; and

(B) make a certification under ~~his the~~ **the clerk's** hand and seal of ~~his the~~ office as to the following:

~~(1) (i)~~ The number of signatures on the petition that are not duplicates representing persons who are registered voters residing within that part of the school corporation located within ~~his the~~ county, as disclosed by the voter registration records in the office of the clerk or the board of registration of the county, or wherever the registration records are kept.

~~(2) (ii)~~ The total number of registered voters residing within the boundaries of that part of the school corporation located within ~~his the~~ county, as disclosed in the records ~~mentioned~~ **described in subdivision (1): item (i).**

~~(3) (iii)~~ The date of the filing of the petition with the clerk.

~~(d) (7)~~ The ~~clerk certification~~ shall:

(A) ~~certify be made by each clerk a petition within not more than thirty (30) days after the filing of the petition, excluding any time during which when the registration records are unavailable to the clerk, or within any additional time as is reasonably necessary not to exceed an additional thirty (30) days, to permit the clerk to make a certification; The clerk shall~~





(B) establish a record of ~~his~~ **the** certification ~~in his~~ **at the** clerk's office; and ~~shall~~

(C) file:

(i) the original petition; and

(ii) a copy of ~~his~~ **the** clerk's certification;

with the governing body.

[20-4-10.1-7] Sec. 7. ~~Action by the Governing Body on a Petition.~~

The governing body shall, by resolution adopted ~~within not more than~~ thirty (30) days after a petition is filed with it, either approve or disapprove ~~the~~ **a** plan. The failure to take ~~any~~ action within ~~such the~~ **thirty (30) day** period ~~shall constitute~~ **constitutes** a disapproval of ~~such the~~ plan.

[20-4-10.1-7.5] Sec. 8. ~~Sec. 7.5.~~ (a) This section applies to a school corporation located in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(b) The city legislative body may adopt an ordinance to increase the membership of the governing body of a school corporation to seven (7) members.

(c) The ordinance must provide the following:

(1) ~~That~~ The additional members of the governing body are to be appointed by the city executive.

(2) ~~That~~ If the plan is subsequently changed to provide for the election of governing body members:

(A) the membership of the governing body may not be less than seven (7); and

(B) ~~all the~~ members of the governing body are to be elected.

(3) The initial terms of the members appointed under this section.

(4) The effective date of the ordinance.

(d) An ordinance adopted under this section:

(1) supersedes ~~any a~~ part of the plan that conflicts with the provisions of the ordinance;

(2) must be filed with the state superintendent ~~of public instruction~~ under section ~~16~~ **17** of this chapter; and

(3) may only be amended or repealed by the city legislative body.

[20-4-10.1-8] Sec. 9. ~~Sec. 8.~~ (a) ~~Within Not more than~~ ten (10) days after ~~the a~~ governing body has:

(1) initiated; ~~a plan or has~~

(2) approved; or

(3) disapproved;

a plan initiated by the petition filed with it, ~~it the~~ **the governing body** shall publish a notice one (1) time in a newspaper of general circulation in the county of the school corporation. If no newspaper of general circulation is published in the county of the school corporation, the governing body shall publish a notice one (1) time in a newspaper of general circulation published in a county adjoining the county of the school corporation.



(b) The notice ~~shall must~~ set out the text of ~~any a~~ plan initiated by the governing body or ~~any other another~~ plan filed with ~~it the~~ governing body prior to ~~before~~ the preparation of the notice. ~~It The~~ notice ~~shall must~~ also state the right of ~~the voters; a voter,~~ as further provided in this section, to file ~~petitions a petition~~ for alternative plans or a petition protesting the adoption of ~~any a~~ plan or plans to which the notice relates.

(c) If the governing body fails to publish a notice ~~as provided~~ required by this section, the governing body shall, ~~within not more than~~ five (5) days ~~of after~~ the expiration of the ten (10) day period for publication of notice under this section, submit the petition ~~which that~~ has been filed with the clerk to the state board of education, whether or not the plan contained ~~within in~~ the petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the publication of the notice, voters of the school corporation may file with the clerk of the circuit court a petition protesting ~~any a~~ plan initiated or approved by the governing body or a petition submitting an alternative plan as follows:

(1) A petition protesting ~~any a~~ plan shall be signed by at least twenty percent (20%) of the voters of the school corporation or five hundred (500) voters of the school corporation, whichever is less.

(2) A petition submitting an alternative plan shall be signed by at least twenty percent (20%) of the voters of the school corporation.

~~Any A~~ petition filed under this subsection shall be certified by the clerk and shall be filed with the governing body in the same manner as is provided for a petition in section 6 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until ~~at~~ the plans that were published in the notice or submitted as alternative plans ~~within not later than~~ one hundred twenty (120) days ~~of after~~ the publication of the notice have been disposed of by:

(1) adoption;

(2) defeat at a special election held under section ~~10 11~~ of this chapter; or

(3) combination with another plan by the state board of education under section ~~9 10~~ of this chapter.

[20-4-10.1-9] Sec. 10. ~~Sec. 9:~~ (a) ~~Within~~ Not more than thirty (30) days after the expiration of the one hundred twenty (120) day period for filing ~~petitions; a petition,~~ ~~at~~ plans that have been published in accordance with section ~~8 9~~ of this chapter, whether the plans were initiated by the governing body or in connection with ~~any a~~ petition, shall be submitted to the state board. ~~of education.~~

(b) The state board ~~of education~~ shall:

(1) review ~~at such plans; a plan;~~



(2) revise ~~them a plan~~, if possible, to:

(A) cure ~~any~~ ambiguities; and ~~to~~

(B) ~~insure their ensure that the plan compliance complies~~ with the limitations set out in section 3 of this chapter;

(3) if ~~the a~~ plan provides for electoral districts, verify that the districts are, as near as practicable, equal in population according to the decennial census immediately preceding the first petition or resolution initiating the plan; and

(4) certify ~~them a plan~~, with ~~any~~ revisions, to the governing body and to the clerk of the circuit court.

The state board ~~of education~~ may combine ~~any~~ plans ~~where if it the~~ **state board** determines that ~~they the plans~~ are substantially similar. In making its determinations, the commission may, but ~~shall is not be~~ obligated to, hold hearings, and shall make ~~such an~~ investigation as it ~~deems considers~~ necessary. ~~When If~~ the board holds a hearing, ~~it the~~ **board** may hear the evidence through hearing examiners, who ~~need do~~ not ~~have to~~ be members of the board. The board shall send a certified record of its determinations to the governing body, the clerk of the circuit court, and the county election board.

(c) ~~Within~~ **Not more than** sixty (60) days ~~of after~~ receiving a plan submitted by a governing body under section ~~8 9~~ of this chapter, the state board ~~of education~~ shall publish notice of the plan in accordance with section ~~8 9~~ of this chapter, unless ~~in the determination of the state~~ board **determines that** the plan or the petition does not meet the requirements of this chapter.

[20-4-10.1-10] Sec. 11. ~~Sec. 10.~~ (a) If:

(1) the governing body has disapproved a plan submitted;

(2) an alternative plan has been filed; or

(3) a petition of protest has been filed;

the county election board shall hold a special election at a date to be determined by the county election board ~~within not more than~~ **within not more than** ninety (90) days ~~following after~~ the receipt of the determination of the state board of education on ~~each a~~ plan in the form certified by the board.

(b) ~~However,~~ If ~~the a~~ special election **under subsection (a)** can be held ~~within not more than~~ **within not more than** six (6) months after the receipt of the determination from the state board, ~~of education,~~ in conjunction with a primary or general election at which:

(1) county officials are to be elected or nominated; or

(2) ~~at which~~ city or town officials are to be elected in those areas of the school corporations ~~which that~~ are within the city or town; the county election board may delay the special election until the date of the regular election.

~~(b)~~ (c) If a school corporation is located in more than one (1) county, the county election board of the county containing the greatest percentage of population of the school corporation shall determine the date of an election held under this section.



[20-4-10.1-11] Sec. 12. ~~Sec. 11:~~ (a) The **clerk of the circuit court shall create the** form of notice of the election and the ballot ~~shall be prepared by the clerk of the circuit court within not more than~~ thirty (30) days ~~of after~~ receiving the certification from the commission as required by section ~~9~~ **10** of this chapter. The notice ~~shall~~ **must**:

(1) state the date when the election shall take place; and ~~shall~~

(2) describe generally ~~each of~~ the plans to be voted upon.

(b) The text of the public question on the ballot must include a description of ~~each the~~ plan proposed, including:

(1) the number of members on the board;

(2) the number of electoral or resident member districts, if any;

(3) the number of ~~at large~~ **at-large** districts, if any;

(4) a general description of the geographical boundaries of the districts, referring to civil boundaries where applicable, or merely general descriptions, such as the north half or north part of a civil geographical district or ~~as all~~ the territory north of a geographical boundary; and

(5) other information sufficient to distinguish a plan from ~~all~~ other plans.

If the text of the public question includes a description of the plan ~~under which~~ **regarding how** the current board is organized, as required by subsection (d), the plan must be identified as the existing plan.

(c) If only one (1) plan is proposed, the ballot ~~shall~~ **must** be prepared so that voters who wish to vote on the plan must cast either an affirmative vote or a negative vote.

(d) If more than one (1) plan is proposed, the plan ~~under which~~ **organizing** the governing body is ~~organized~~ must appear on the ballot as an option. The text of the public question must include a description of the existing plan that meets the criteria specified in subsection (b). The ballot ~~shall~~ **must** be prepared so that voters who wish to vote on the plans may vote for only one (1) plan.

(e) The text of the public question ~~shall~~ **must** be placed on the ballot in the form prescribed by IC 3-10-9-4.

(f) Subject to IC 3-12-1, the notice or ballot is not invalid if there has been a good faith effort to comply with ~~the provisions of~~ this section.

[20-4-10.1-12] Sec. 13. ~~Sec. 12:~~ (a) **The county election board shall give** notice of ~~such an~~ election ~~shall be given by the county election board under section 11 of this chapter~~ after receiving the form of notice and ballot from the clerk of the circuit court. The **county election board shall publish** notice ~~shall be published~~ one (1) time in two (2) newspapers of general circulation in the school corporation, or if only one (1) newspaper is of general circulation, then in that newspaper. The publication ~~shall~~ **may not** be made ~~not~~ less than ten (10) days nor more than forty-five (45) days ~~prior to~~ **before** the election. No other notice of the election, and no requirement for the



time of printing ballots, whether prescribed by IC 3 or otherwise, need be given or observed. ~~No~~ A person may **not** vote at the special election unless the person is then qualified as a registered voter.

(b) ~~Except where in conflict with the provisions of this chapter or where IC 3 cannot be practicably applied;~~ IC 3 applies to the conduct of ~~such an~~ election **under this chapter, except if the provisions of this chapter are in conflict with provisions of IC 3 or if IC 3 cannot be practicably applied.**

(c) If the special election is not conducted at a primary or general election, the **school corporation shall pay the** cost of conducting the election ~~shall be charged to the school corporation and shall be paid from its the school corporation's~~ general fund not otherwise appropriated without appropriation. ~~therefor.~~

[20-4-10.1-13] Sec. 14. ~~Sec. 13:~~ (a) A plan shall be adopted in the following circumstances:

(1) At the expiration of one hundred twenty (120) days ~~following~~ **after** the publication of notice by the governing body ~~where if:~~

(A) the governing body has initiated or approved the plan; ~~to which the notice relates; and if~~

(B) no petition has been filed either protesting ~~such the~~ plan or setting forth an alternative plan; ~~and but in no event until~~

(C) the state board of education has reviewed and certified the plan.

(2) If only one (1) plan is on the ballot and it receives more affirmative than negative votes, ~~it shall be the plan is~~ adopted at the expiration of thirty (30) days following the special election.

(3) If more than one (1) plan is on the ballot, the plan receiving the most votes ~~shall be is~~ adopted at the expiration of thirty (30) days ~~following~~ **after** the special election.

(b) The plan is effective:

(1) at the time provided in the plan; or

(2) if no ~~such~~ time is provided or if the time provided is inapplicable due to the lapse of time of the proceedings under this chapter, then either on the January 1 or July 1 ~~first~~ following the time of adoption of the plan.

[20-4-10.1-14] Sec. 15. ~~Sec. 14:~~ ~~No~~ An action to:

(1) contest the validity of the adoption of ~~the a~~ plan to declare that **it the plan** has not been validly adopted; or ~~to~~

(2) enjoin ~~its the~~ operation of a plan;

~~shall may not~~ be instituted with respect to the adoption of the plan under section ~~13(a)(1)~~ **14(a)(1)** of this chapter at any time later than the one hundred ~~twentieth day~~ **twenty (120) days** following the publication of the notice required by section ~~8 9~~ of this chapter, or under section ~~13(a)(2)~~ **14(a)(2)** or ~~13(a)(3)~~ **14(a)(3)** of this chapter at any time later than the thirtieth day following the election ~~pursuant to~~ **at** which the plan is adopted.



[20-4-10.1-15] Sec. 16. ~~Sec. 15: Limitation on Elections and Adoption of Plan. No~~ An election ~~shall~~ **may not** be held under this chapter more than once each eighteen (18) months. ~~No~~ A plan for ~~any~~ a governing body may **not** be adopted more than once each six (6) years, except if:

(1) ~~where~~ the plan ~~provides solely for changing only~~ **changes** the time of voting ~~of for~~ board members from the primary to the general election, or from the general to the primary election;

(2) ~~in the event any~~ a plan adopted is declared or held to be invalid by a binding judgment or order in ~~any~~ a United States or Indiana court ~~from which~~ **that** no appeal or further approval can be taken; or

(3) ~~where~~ the plan provides solely for changes in items specified in section 2(5) of this chapter.

[20-4-10.1-16] Sec. 17. ~~Sec. 16: Plans to be Filed with State Superintendent. (a) Every~~ A school corporation in the State of Indiana shall file with the state superintendent: ~~of Public Instruction:~~

(1) a transcript showing the acts and resolutions ~~incident related~~ to ~~its the~~ school corporation's formation; and

(2) a description, if not otherwise contained ~~therein; in the transcript under subdivision (1),~~ of the structure and manner of selection of its governing body.

(b) ~~Such~~ The transcript or description under subsection (a) shall be filed with respect to existing corporations on or before September ~~1, 1971;~~ with respect to newly formed corporations within **not more than sixty (60) days** after ~~their the~~ school corporation's creation and with respect to corporations which adopt or the school corporation's adoption of a new plan, **sixty (60) days** after the adoption of such plan.

(c) ~~Each~~ A school corporation shall ~~also~~ file with the state superintendent, ~~of Public Instruction;~~ prior to ~~before~~ August ~~1st~~ **1** of each year, a list of names and addresses of:

(1) members of its governing body; ~~of its and~~

(2) ~~the school corporation's~~ officers ~~and of~~ along with the expiration of ~~their the~~ officer's respective terms.

(d) A school corporation ~~and~~ shall ~~similarly~~ file any ~~changes in such change to a list under subsection (c) within not later than thirty~~ (30) days after ~~they are made; the change occurs.~~

[20-4-10.1-17] Sec. 18. ~~Sec. 17: (a)~~ The failure of ~~any~~ a public official or body to perform ~~any of~~ the duties specified in this chapter within the time limits prescribed shall not invalidate any proceedings taken by ~~such the~~ official or board.

(b) ~~In the event any~~ **If** a public official or body refuses to perform duties within the time limits provided in this chapter, the official or body may be mandated to perform the duties in an action filed in the circuit or superior court by ~~any~~ a voter or by the governing body.

(c) The court shall award reasonable ~~attorney~~ **attorney's** fees to a



voter who brings an action under this section against a governing body or public official and prevails. The governing body or employer of a public official shall pay ~~all~~ costs and fees incurred by or on behalf of an employee in defense of a claim or suit for a loss occurring because of acts or omissions within the scope of ~~his~~ **the employee's** employment, regardless of whether the employee can or cannot be held personally liable for the loss.

[20-4-10.1-18] Sec. 19. ~~Sec. 18: Court Orders on Plans:~~ If any a United States or Indiana court enters a binding temporary or permanent order directing or approving a change in the manner of selecting the governing body, any governing body selected ~~pursuant to such under the order shall be~~ **is** the legal governing body of the school corporation, until its manner of selection is changed under this or any other applicable Indiana statute. ~~of the State of Indiana.~~

[20-4-10.1-19] Sec. 20. ~~Sec. 19:~~ **(a)** In implementing a plan adopted ~~pursuant to under~~ this chapter, requiring the holding of a special election, the county election board, or county election boards in the case of a multicounty school corporation, shall ~~have the responsibility and authority to~~ hold, manage, and supervise ~~such a~~ special election.

**(b)** The costs of ~~such a special election shall be paid by the~~ county election board, or the county election boards in the case of a multicounty school corporation, ~~which shall pay the costs of a special election.~~

**(c)** A school corporation shall reimburse the county election board or county election boards ~~shall be reimbursed by the school corporation in which such a special election shall occur from its the school corporation's~~ general fund money not otherwise appropriated, without appropriation ~~therefor if a special election occurs under this chapter.~~

#### **Chapter 9. Annexation of a Township School Corporation**

[20-4-57-1] Sec. 1. As used in this chapter, "annexing corporation" refers to a school corporation that has annexed all or part of any territory of a township school.

[20-4-57-2] ~~Sec. 2: As used in this chapter, "department" refers to the department of education.~~

[20-4-57-3] Sec. 2. ~~Sec. 3:~~ As used in this chapter, "township" refers to a township where any part of a township school was located.

[20-4-57-4] Sec. 3. ~~Sec. 4:~~ As used in this chapter, "township school" refers to:

- (1) a township school that loses territory to an annexing corporation as a result of an annexation;
- (2) the township school's successor; or
- (3) the township.

[20-4-57-5] Sec. 4. ~~Sec. 5:~~ **(a)** An annexing corporation may file a petition of appeal with the department of local government finance for emergency financial relief.



(b) The annexing corporation shall serve the petition on the following:

- (1) The department.
- (2) The township.
- (3) The township school.
- (4) Any other annexing corporation that annexed the township school on the same date.

(c) All annexing corporations are parties to the petition.

[20-4-57-6] Sec. 5. ~~Sec. 6~~. If the department of local government finance receives a petition of appeal under section 5 4 of this chapter, the department of local government finance shall submit the petition to the school property tax control board established under IC 6-1.1-19-4.1 for a fact finding hearing.

[20-4-57-7] Sec. 6. ~~Sec. 7~~: (a) If the department of local government finance submits a petition to the school property tax control board under section 5 4 of this chapter, the school property tax control board shall hold a fact finding hearing.

(b) At a hearing described in subsection (a), the school property tax control board shall determine the following:

- (1) Whether the township school has made all payments required by any statute, including the following:

(A) P.L.32-1999.

(B) ~~IC 20-4-4-7~~ **IC 20-23-5-7** and ~~IC 20-4-16-3~~.  
**IC 20-23-16-37.**

(C) The resolution or plan of annexation of the township school, including:

- (i) any amendment to the resolution or plan;
- (ii) any supporting or related documents; and
- (iii) any agreement between the township school and an annexing corporation relating to the winding up of affairs of the township school.

(2) The amount, if any, by which the township school is in arrears on any payment described in subdivision (1).

(3) Whether the township school has filed with the department all reports concerning the affairs of the township school, including all transfer tuition reports required for the two (2) school years immediately preceding the date on which the township school was annexed.

(c) In determining the amount of arrears under subsection (b)(2), the school property tax control board shall consider all amounts due to an annexing corporation, including the following:

- (1) Any transfer tuition payments due to the annexing corporation.
- (2) All levies, excise tax distributions, and state distributions received by the township school and due to the annexing corporation, including levies and distributions received by the township school after the date on which the township school was





annexed.

(3) All excessive levies that the township school agreed to impose and pay to an annexing corporation but failed to impose.

(d) If, in a hearing under this section, a school property tax control board determines that a township school has:

(1) under subsection (b)(1), failed to make a required payment; or

(2) under subsection (b)(3), failed to file a required report;

the department may act under section ~~8~~ 7 of this chapter.

[20-4-57-8] Sec. 7. ~~Sec. 8:~~ (a) If a school property tax control board makes a determination under section ~~7(d)~~ 6(d) of this chapter, the department:

(1) may prohibit a township from:

(A) acquiring real estate;

(B) making a lease or incurring any other contractual obligation calling for an annual outlay by the township exceeding ten thousand dollars (\$10,000);

(C) purchasing personal property for a consideration greater than ten thousand dollars (\$10,000); and

(D) adopting or advertising a budget, tax levy, or tax rate for any calendar year;

until the township school has made all required payments under section ~~7(b)(1)~~ 6(b)(1) of this chapter and filed all required reports under section ~~7(b)(3)~~ 6(b)(3) of this chapter; and

(2) shall certify to the treasurer of state the amount of arrears determined under section ~~7(b)(3)~~ 6(b)(3) of this chapter.

(b) Upon being notified of the amount of arrears certified under subsection (a)(2), the treasurer of state shall make payments from the funds of state to the extent, but not in excess, of any amounts appropriated by the general assembly for distribution to the township school, deducting the payments from any amount distributed to the township school.

[20-4-57-9] Sec. 8. ~~Sec. 9:~~ The department may grant permission to a township school or a township to impose an excess levy to satisfy its obligations under this chapter.

#### **Chapter 10. Merger of School Corporations Within Counties**

[20-4-19-1] Sec. 1. ~~As used in this chapter, the following terms shall have the following meanings:~~ **The following definitions apply throughout this chapter:**

(a) (1) ~~"Counties" shall mean~~ **"County" means any a county within the state of Indiana. [QUERY: IS THIS NEEDED?]**

~~(b) (2) "School corporation in the county" shall mean means all the school corporations that have territory in the a county. all or a part of whose territory lies therein.~~

~~(c) (3) "Governing body" shall mean means the board or commission charged by law with the responsibility of administering the affairs of a school corporation, including but~~



not limited to a board of school commissioners, metropolitan board of education, board of school trustees, or board of trustees; and in the case of a school township, it ~~shall be~~ **is** the trustees and township board acting jointly.

~~(d)~~ **(4)** "Concurrent resolutions" ~~shall mean~~ **means** substantially identical resolutions adopted by ~~each of~~ the governing bodies of the school corporations in ~~the a~~ county.

~~(e)~~ **(5)** "Merger" ~~shall mean~~ **means** the merger of ~~all~~ the school corporations in ~~the a~~ county into a single school corporation in which ~~all~~ the rights and ~~all~~ the obligations of ~~each a~~ school corporation, including but not limited to the right to receive tax and other ~~moneys~~, **money**, are transferred into a new corporation to be known in this chapter as the merged corporation.

[20-4-19-2] Sec. 2. ~~A merger of the~~ School corporations in ~~the a~~ county ~~may merge~~ **shall be effected** in the following manner: ~~each of~~

**(1)** The governing bodies of the school ~~corporation~~ **corporations** shall adopt a concurrent resolution providing for the merger. ~~each of such~~

**(2)** The resolutions in subdivision **(1)** shall be adopted ~~within a period of not later than~~ sixty (60) days ~~from~~ **after** the date the first concurrent resolution is adopted by ~~any a~~ governing body. ~~Such~~ **The** resolutions ~~shall must~~ provide for the following:

~~(a)~~ **(A)** The makeup of board member districts **including that:**

**(i)** ~~all~~ board members shall be elected from the entire merged school corporation, but residence requirements may provide that ~~such~~ members live in different districts;

**(ii)** the board member districts need not be equal in size or population, **and** one (1) ~~such~~ board member district may include ~~all~~ the area in the merged school corporation;

**(iii)** the number of members of the governing body of the merged school corporation to be elected from ~~each a~~ board member district need not be equal in number; and

**(iv)** ~~Such~~ concurrent resolutions may also eliminate ~~all~~ requirements that there be board member districts.

~~(b)~~ **(B)** The number of members on the governing body of the merged school corporation ~~shall must~~ be:

**(i)** three (3);

**(ii)** five (5); or

**(iii)** seven (7);

**members.**

~~(c)~~ **(C)** The time the merged school corporation ~~shall come~~ **comes** into existence.

If ~~however~~, no time is provided when the merged school corporation comes into existence or if a final judgment in the remonstrance proceeding is delayed beyond the time set in the concurrent resolutions, the merged school corporation ~~shall come~~ **comes** into existence on July



1 following the adoption of ~~such the~~ resolutions or ~~such the~~ final judgment, whichever ~~last~~ occurs **last**.

3 [20-4-19-3] Sec. 3. (a) After the last concurrent resolution **under**  
4 **section 2 of this chapter** is adopted, notice of the adoption of the  
5 concurrent resolutions shall be given by **stating**:

6 (1) ~~setting out~~ the substance of the concurrent resolutions;  
7 ~~together with the statement~~

8 (2) that ~~such the~~ resolutions have been adopted; and

9 (3) that a right of remonstrance exists as provided in this chapter.

10 It ~~shall~~ is not ~~be~~ necessary to set out the remonstrance provisions of the  
11 statute, but a general reference to the right of remonstrance with a  
12 reference to this chapter ~~shall be~~ is sufficient.

13 (b) The notice **under subsection (a)** shall be made two (2) times,  
14 ~~a one~~ (1) week apart in two (2) daily newspapers, published in the  
15 English language and of general circulation in the county. ~~Where If~~  
16 there is only one (1) ~~such~~ daily ~~and/or a or~~ weekly newspaper **in the**  
17 **county**, publication in the ~~latter~~ paper ~~shall be~~ is sufficient. [Query: is  
18 **this last sentence in (b) ok. I believe the and/or should be "or,"** but  
19 does that change the meaning in the sentence?]

20 (b) (c) The merger shall take effect at the time provided in section  
21 2 of this chapter unless ~~within~~ **not more than** thirty (30) days after the  
22 first publication of ~~such the~~ notice, a remonstrance is filed in the circuit  
23 or superior court of the county by registered voters equal in number to  
24 at least ten percent (10%) of the registered voters of ~~any a~~ school  
25 corporation in the county.

26 [20-4-19-4] Sec. 4. (a) A remonstrance under section 3 of this  
27 chapter:

28 (1) ~~will~~ **should be in** substantially ~~in~~ the following form:

29 The undersigned hereby remonstrates against the merger of the  
30 school corporations in \_\_\_\_\_ county;

31 (2) ~~The remonstrance~~ may be filed in ~~any number of~~ counterparts.  
32 ~~Each A~~ counterpart ~~shall must~~ have attached to it:

33 (A) the affidavit of the person circulating it;

34 (B) **a statement** that each signature appearing ~~thereon on the~~  
35 **remonstrance** was affixed in ~~his the~~ presence of the person  
36 **circulating the remonstrance**; and

37 (C) **a statement that each signature** is the true and lawful  
38 signature of the person who made it;

39 The person who makes such affidavit need not be one (1) of the  
40 persons who signs the counterpart to which it is attached. Such  
41 remonstrance

42 (3) shall be accompanied by a complaint filed by one (1) or more  
43 of the remonstrators (who shall be treated as a representative of  
44 the entire class of remonstrators); and

45 (4) **shall be** signed by ~~such the~~ remonstrator or ~~his the~~  
46 **remonstrator's** attorney, stating the reasons for the



1 remonstrance, ~~where~~ ~~Such~~ ~~these~~ reasons ~~shall be~~ ~~are~~ limited to  
2 the following:

3 ~~(1)~~ (A) There is a procedural defect in the manner ~~in which~~  
4 ~~that~~ the merger is carried out which is jurisdictional.

5 ~~(2)~~ (B) The benefits to be derived from the merger are  
6 outweighed by its detriments, taking into consideration the  
7 respective benefits and detriments of the ~~pupils~~ ~~students~~ and  
8 inhabitants residing in ~~each of~~ the school corporations of the  
9 county.

10 (b) ~~A person who makes an affidavit under subsection (a) does~~  
11 ~~not have to be one (1) of the persons who signs the counterpart~~  
12 ~~attached to the affidavit.~~

13 (c) The plaintiff or plaintiffs in ~~such the~~ suit ~~shall be~~ ~~are~~ the person  
14 or persons whose name appears on the complaint. The defendants in a  
15 remonstrance under section 3 of this chapter ~~shall be~~ ~~are~~ the school  
16 corporations in the county. Service of process shall be made on the  
17 defendants as in other civil actions.

18 ~~(c)~~ (d) For the purposes of determining whether the petition was  
19 timely filed, the time of filing ~~shall be~~ ~~is~~ the time of filing with the  
20 clerk without regard to the time of issuance of the summons. ~~Where~~ ~~If~~  
21 the thirtieth day falls on Sunday, a holiday, or ~~any other~~ ~~another~~ day  
22 when the clerk's office is not open, the time ~~shall be~~ ~~is~~ extended to the  
23 next day when ~~such the~~ clerk's office is open.

24 ~~(d)~~ (e) The issues in ~~any a~~ remonstrance suit ~~shall be~~ ~~are~~ made up  
25 by the complaint, the allegations ~~thereof of the complaint~~ being  
26 ~~deemed considered~~ denied by ~~each defendant. the defendant or~~  
27 ~~defendants.~~ ~~No~~ A responsive pleading ~~does not need or may to be~~  
28 filed except that ~~any a~~ defendant may ~~where appropriate~~ file a motion  
29 to dismiss the suit on the ground:

30 (1) that the requisite number of qualified remonstrators have not  
31 signed the petition;

32 (2) that the remonstrance was not timely filed; or

33 (3) that the complaint does not state a cause of action.

34 (f) ~~No~~ A responsive pleading to ~~this a motion to dismiss under~~  
35 ~~subsection (e) does not motion~~ need ~~or may to be~~ filed.

36 (g) With respect to a motion under ~~subdivisions (1) and (2)~~  
37 ~~subsection (e)(1) and (e)(2),~~ the allegations ~~shall be~~ ~~are~~ ~~deemed~~  
38 ~~considered~~ denied by the remonstrators.

39 (h) For purposes of determining whether there are the requisite  
40 number of qualified remonstrators ~~under subdivision (1) of~~  
41 ~~subsection (e):~~

42 (1) ~~no a~~ person ~~shall be entitled to may~~ withdraw his the  
43 person's name after a remonstrance has been filed; ~~nor shall any~~  
44 ~~and~~

45 (2) a person ~~be entitled to may not~~ add his the person's name to  
46 ~~such a~~ remonstrance ~~that has been filed.~~



(i) ~~Any person may, however, At the a trial for a remonstrance suit, of such cause and a person may,~~ in support or derogation of the substantive matters in the complaint, introduce into evidence a verified statement that ~~he the person~~ wishes that ~~his the person's name be~~ added to or withdrawn from the remonstrance.

(j) The court may either hear all or a part of the matters raised by ~~the~~ a motion to dismiss separately or may consolidate for trial all or a part of ~~such the~~ matters with the matters relating to the substance of the case.

(k) ~~No A~~ complaint ~~shall may not~~ be dismissed for failure to state a cause of action, if a fair reading of the complaint makes out one (1) of the grounds for remonstrance and suit provided in subsection (a).

(l) An amendment of the complaint may be permitted in the discretion of the court if ~~it the complaint~~ does not state a new ground of remonstrance.

~~(e)~~ (m) The trial of a remonstrance suit shall be conducted as other civil cases by ~~the a~~ court without the intervention of a jury on the issues raised by the:

(1) complaint; ~~and/or or~~

(2) motion to dismiss.

(n) In a remonstrance suit:

(1) a change of venue from a judge, but no change of venue from the county, ~~will be~~ is permitted;

(2) the court will expedite the hearing of the case; and ~~its~~

(3) the court's judgment ~~shall must~~ be either that:

(A) the merger takes place; ~~or that it~~

(B) the merger does not take place; or ~~that~~

(C) the remonstrance ~~shall be~~ is dismissed.

[20-4-19-5] Sec. 5. (a) The board members of ~~the a~~ merged school corporation shall be elected at the first primary election following ~~its~~ the merged school corporation's creation, and vacancies shall be filled in accordance with ~~IC 20-4-1-26.5~~ IC 20-23-4-24.

(b) Until ~~such the~~ first election under subsection (a), the board of trustees of the merged school corporation ~~shall~~ consist of:

(1) the members of the governing body of ~~any a~~ school corporation in the county other than a school township; and

(2) the township trustee of ~~any a~~ school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. ~~Such The~~ name may be changed from time to time by unanimous vote of the governing body of the merged school corporation.

[20-4-19-6] Sec. 6. ~~The A~~ merged school corporation ~~shall have has~~ all the powers provided in ~~IC 20-4-1-26.1~~ IC 20-23-4-20 through ~~IC 20-4-1-26.9~~ IC 20-23-4-27 and IC 20-23-16-4.

## Chapter 11. Joint Schools in Adjacent States

[20-4-56-1] Sec. 1. ~~Whenever, in the judgment of~~ If a school trustee



or a board of school trustees of any school corporation in ~~this state~~  
**Indiana** ~~lying that is~~ adjacent to a school corporation of another state  
**believes** the best interests of the public schools can be promoted by  
purchasing school grounds, repairing or erecting a schoolhouse or  
schoolhouses, and maintaining a school jointly between the two (2)  
adjacent school corporations, the school trustee or school trustees of  
the school corporation of ~~this state~~ **Indiana** so situated ~~are hereby~~  
**empowered to may** enter into an agreement with the school authorities  
of ~~said the~~ adjacent school corporation for the purpose of purchasing  
school grounds, repairing or constructing school building or buildings,  
purchasing school furniture, equipment, appliances, fuel, employing  
teachers and maintaining a school when, in the judgment of ~~said the~~  
school trustee or trustees of ~~this state~~, **Indiana**, the best interests of the  
public school can be promoted by so doing, and ~~such the~~ trustee or  
trustees of ~~this state~~ **are hereby empowered to Indiana may** levy taxes  
and perform ~~such~~ other duties in maintaining such joint school as are  
otherwise provided by law for maintaining the public schools in ~~this~~  
~~state~~. **Indiana**. In carrying out ~~the provisions of~~ this section, the school  
corporation shall pay ~~such the~~ proportion of the cost of purchasing  
school grounds, repairing or erecting new building or buildings, and in  
maintaining the joint school, as ~~shall seem to be equitable and just, in~~  
~~the judgment of~~ the school trustees of the two (2) adjacent school  
corporations **determines is equitable and just.**

#### **Chapter 12. Election of Governing Body Members in Gary**

[20-3-21-1] Sec. 1. ~~IC 20-4-10.1~~ **IC 20-23-8** does not apply to:

(1) a school corporation; or

(2) the governing body of a school corporation;

covered by this chapter.

[20-3-21-2] Sec. 2. As used in this chapter, "school corporation"  
means a school corporation that is located in a city having a population  
of more than ninety thousand (90,000) but less than one hundred five  
thousand (105,000).

[20-3-21-3] Sec. 3. (a) The governing body of the school  
corporation consists of seven (7) members elected as follows:

(1) On a nonpartisan basis.

(2) In a primary election held in the county.

(b) ~~The membership shall be comprised of the following: (1) Six (6)~~  
of the members ~~shall be~~ **are** elected from the school districts **drawn**  
under section 4 of this chapter. Each member: ~~shall be~~

(1) **is** elected from the school district in which the member  
resides; ~~but shall, and~~

(2) upon election and in conducting the business of the governing  
body, ~~represent~~ **represents** the interests of the entire school  
corporation. ~~(2)~~

(c) One (1) of the members elected:

(1) **is the at-large member of the governing body;**



(2) may reside in any of the districts drawn under section 4 of this chapter; **and**

(3) upon election and in conducting the business of the governing body, ~~the member shall represent~~ **represents** the interests of the entire school corporation.

[20-3-21-4] Sec. 4. The districts ~~shall be~~ **are** drawn on the same lines as the common council districts ~~set forth~~ **referred to** in IC 36-4-6-3.

[20-3-21-5] Sec. 5. (a) The six (6) members who are elected for a position on the governing body described under section ~~3(b)(1)~~ **3(b)** of this chapter are determined as follows:

(1) Each **prospective** candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the members are to be elected ~~and~~ that includes the following information:

(A) The name of the **prospective** candidate.

(B) The district in which the **prospective** candidate resides.

(C) The signatures of at least one hundred (100) registered voters residing ~~within in~~ the school corporation.

(D) The fact that the **prospective** candidate is running for a district position.

(E) A certification that the **prospective** candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the district may vote for a candidate.

(3) The candidate within each ~~particular~~ district who receives the greatest number of votes ~~within in~~ the district is elected.

(b) The **at-large** member ~~who is elected for a position on the governing body described~~ under section ~~3(b)(2)~~ **3(c)** of this chapter is determined as follows:

(1) Each **prospective** candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the at-large member is to be elected. The petition must include the following information:

(A) The name of the **prospective** candidate.

(B) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(C) The fact that the **prospective** candidate is running for the at-large position on the governing body.

(D) A certification that the **prospective** candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) The candidate who:

(A) runs for the at-large position on the governing body; and

(B) receives the greatest number of votes ~~within in~~ the school



1 corporation;  
2 is elected to the at-large position.

3 [20-3-21-6] Sec. 6. (a) A candidate who runs for a position on the  
4 governing body described under section ~~3(b)(1)~~ **3(b)** of this chapter  
5 must reside ~~within in the boundaries of the~~ school corporation district  
6 for which the candidate filed.

7 (b) A candidate who runs for the at-large position on the governing  
8 body described in section ~~3(b)(2)~~ **3(c)** of this chapter must reside  
9 ~~within the boundaries of in~~ the school corporation.

10 [20-3-21-7] Sec. 7. The Indiana state board of education, with  
11 assistance from the county election board, shall establish:

- 12 (1) balloting procedures under IC 3 for the election; and  
13 (2) all other procedures required to implement this chapter.

14 [20-3-21-8] Sec. 8. The term of each person elected to serve on the  
15 governing body:

- 16 (1) is four (4) years; ~~beginning and~~  
17 (2) ~~begins the July 1 following that next follows the person's~~  
18 election.

19 [20-3-21-9] Sec. 9. The members ~~shall be~~ **are** elected as follows:

20 (1) Three (3) of the members elected under section ~~3(b)(1)~~ **3(b)**  
21 of this chapter ~~shall be~~ **are** elected at the primary election to be  
22 held in ~~2000~~ **2008** and every four (4) years thereafter.

23 (2) Three (3) of the members elected under section ~~3(b)(1)~~ **3(b)**  
24 of this chapter ~~shall be~~ **are** elected at the primary election to be  
25 held in ~~2002~~ **2006** and every four (4) years thereafter.

26 (3) The at-large member elected under section ~~3(b)(2)~~ **3(c)** of this  
27 chapter ~~shall be~~ **is** elected at the primary election to be held in  
28 ~~2004~~ **2008** and every four (4) years thereafter.

29 [20-3-21-10] Sec. 10. (a) A vacancy on the governing body is  
30 created ~~whenever any of the following occur:~~ **when:**

31 (1) ~~The death of a member;~~ (2) ~~The resignation of a member;~~ (3)  
32 ~~A member~~

33 (A) dies;

34 (B) resigns from the governing body;

35 (C) ceases to be a resident of the school corporation; ~~(4) A~~  
36 ~~member~~

37 (D) fails to attend, except for **reason of** chronic illness, six (6)  
38 regularly scheduled meetings of the governing body in any  
39 twelve (12) month period; ~~(5) A member moves from or~~

40 (E) ~~ceases to be a resident of~~ the school district in which the  
41 member was elected; ~~(6) or~~

42 (2) **a vacancy is created under** any other ~~reason provided by law.~~  
43 ~~that creates a vacancy.~~

44 (b) **The governing body shall temporarily fill** a vacancy on the  
45 governing body ~~shall be filled temporarily by the governing body~~ as  
46 soon as practicable after the vacancy occurs.





[20-3-21-11] Sec. 11. Before August 1 of each year, the school corporation shall file with the state superintendent of public instruction a list of the:

- (1) names and addresses of members of the school corporation's governing body;
- (2) names and addresses of the school corporation's officers; and
- (3) expiration dates of the terms of the school corporation's members and officers.

The school corporation shall file any ~~changes~~ **change** in the list ~~within not later than~~ thirty (30) days after the ~~changes occur~~ **change occurs**.

### **Chapter 13. Election of Governing Body Members in Hammond Community School Corporation**

[20-4-3-1] Sec. 1. (a) In a community school corporation ~~set up established~~ under ~~IC 20-4-1~~ **IC 20-23-4** that:

- (1) has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000); and

- (2) ~~that~~ is the successor in interest to a school city having the same population;

the governing body ~~shall consist~~ **consists** of a board of trustees of five (5) members elected in the manner provided in this chapter.

(b) At the ~~2000~~ **2004** primary election and at each primary election every four (4) years thereafter, there shall be elected in each school corporation covered by this chapter two (2) ~~school trustees governing body members~~ each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.

(c) At the 2002 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school city covered by this chapter three (3) ~~school trustees governing body members~~ each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.

(d) The ~~school trustees governing body members~~ shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this section.

[20-4-3-2] Sec. 2. (a) As used in this section, "county election board" ~~includes~~ **means** a board of elections and registration under IC 3-6-5.2.

(b) The ~~board of school trustees governing body~~ shall be elected on a general ticket for a term of four (4) years by the voters of ~~any such~~ **the** school city. A voter may vote in ~~such~~ **the** primary election for ~~school trustees governing body members~~ without otherwise voting and without declaring party preference. The members of ~~such board the governing body~~ shall be elected at the time of the primary elections as provided in section 1 of this chapter and shall be taken from the city at



large without reference to district. ~~Such~~ The election shall be held under IC 3-10-1, insofar as it is not inconsistent with this chapter.

(c) At the time provided by law for the filing of declaration of candidacy for the primary election in which members of the ~~board of school trustees governing body~~ are to be elected as provided for in this chapter, legal voters of ~~such the~~ city may present names of candidates for election as members of the ~~board of school trustees governing body~~ to the county election board in each county in which ~~is situated~~ a school city subject to this chapter **is situated** as follows:

(1) Each candidate shall be proposed in a petition in writing signed by not fewer than two hundred (200) legal voters of ~~such the~~ school city.

(2) Not more than one (1) candidate may be named in any one (1) petition.

(3) ~~No~~ A legal voter may **not** sign petitions for a greater number of candidates than the number of school trustees to be elected in the primary election concerned.

(d) Upon the presentation of ~~such the~~ petition to the county election board, the board shall publish the names proposed in accordance with IC 5-3-1 and shall certify such nominations in the manner as required by law. ~~Such~~ The election shall be conducted in accordance with IC 3.

(e) The county election board shall prepare the ballot for the primary election at which ~~school trustees governing body members~~ are to be elected as provided in this section so that the names of the candidates nominated for the ~~office of school trustee governing body~~ appear on the ballot:

(1) in alphabetical order;

(2) without party designation; and

(3) in the form prescribed by IC 3-10-1-19.

The name of any candidate shall not be published and placed on the ballot by the county election board if the candidate is ineligible for membership on the ~~board of school trustees governing body~~ under this chapter. Each voter may vote for as many candidates as there are ~~school trustees governing body members~~ to be elected.

[20-4-3-3] Sec. 3. The intent of this chapter is to provide that the ~~board of school trustees governing body~~ of the school corporations to which it relates shall be elected as provided in ~~IC 20-4-1-26.2~~ **IC 20-23-4-21** and ~~IC 20-4-1-26.4~~ **IC 20-23-4-23** through ~~IC 20-4-1-26.6~~ **IC 20-23-4-25**, but the provisions of this chapter shall ~~prevail~~ **prevails** over any conflicting provisions of ~~IC 20-4-1-26.2 through IC 20-23-4-25~~ **IC 20-23-4** relating to any ~~such~~ school corporation.

#### **Chapter 14. Election of Governing Body Members in Lake Station**

[20-3-22-1] Sec. 1. This chapter applies to a school corporation for which a referendum has been held:

(1) as required by statute; and



(2) in which a majority of the votes cast ~~approve~~ **approves** electing the members of the governing body.

[20-3-22-2] Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).

[20-3-22-3] Sec. 3. (a) The governing body of the school corporation consists of five (5) members ~~who shall be~~ elected on a nonpartisan basis.

(b) Three (3) of the members ~~shall be~~ **are** elected from the school districts ~~in which they reside as established under~~ **referred to in** section 4 of this chapter by eligible voters residing ~~within in the~~ **respective** school districts. ~~but who shall~~, **Each member:**

**(1) is elected from the school district in which the member resides; and**

**(2) upon election and in conducting the business of the governing body, ~~represent~~ **represents** the interests of the entire school corporation.**

(c) Two (2) of the members: ~~shall be~~

**(1) are elected at large** by eligible voters residing ~~within the boundaries of in~~ the school corporation;

**(2) are at-large members of the governing body; and shall;**

**(3) upon election and in conducting the business of the governing body, represent the interests of the entire school corporation.**

[20-3-22-4] Sec. 4. The school districts for the election of the members of the governing body under section 3(b) of this chapter are as follows:

(1) Commencing at the Southeast corner of Section 16; thence West along the center line of 29th Avenue (South line of Section 16) to Deep River; thence Southwesterly along the center line of Deep River to State Road 51; thence South along the center line of State Road 51 to 33rd Avenue to Montgomery Street (the North-South center line of Section 20); thence North along the center line of Montgomery Street to 31st Avenue; then West along the center line of 31st Avenue to Grand Boulevard; then North along the center line of Grand Boulevard to Riverside Drive; then Northeasterly along the center line of Riverside Drive to Laporte Street; thence North along the center line of Laporte Street to Fairview Avenue; thence Easterly along the center line of Fairview Avenue to State Road 51; thence North along the center line of State Road 51 to Central Avenue; thence East along the center line of Central Avenue to the county line; thence South along the county line to the point of beginning.

(2) Commencing at the Northeast Corner of Section 9-36-7; thence South along the county line to Central Avenue; thence West along the center line of Central Avenue to State Road 51;



1       thence South along the center line of State Road 51 to Fairview  
 2       Street; thence Westerly along the center line of Fairview Avenue  
 3       to Laporte Street; thence South along the center line of Laporte  
 4       Street to Riverside Drive; thence Southwesterly along the center  
 5       line of Riverside Drive to Grand Boulevard; thence North along  
 6       the center line of Grand Boulevard to Court Street; thence West  
 7       along the center line of Court Street to Howard Street; thence  
 8       Northerly along the center line of Howard Street to the Borman  
 9       Tri-State Highway (I-80 and I-94); thence Westerly along the  
 10      center line of the Borman Tri-State Highway to the Little Calumet  
 11      River Bed; thence meandering along the center line of the Little  
 12      Calumet River Bed first in a Northeasterly direction, then in a  
 13      Southwesterly direction, then in a Northerly direction to Burns  
 14      Ditch; thence Westerly along the center line of Burns Ditch to  
 15      Clay Street; then North along the center line of Clay Street to 15th  
 16      Avenue; thence East along the center line of 15th Avenue to  
 17      Gibson Street; thence North along Gibson Street to the Indiana  
 18      Toll Road; thence Easterly along the North Line of the Indiana  
 19      Toll Road to Lake Street; thence North along the East Line of  
 20      Lake Street to the Wabash Railroad; thence East along the  
 21      Wabash Railroad to the point of beginning.

22      (3) Commencing at the Southeast corner of Section 18-36-7;  
 23      thence West along the center line of 29th Avenue to Hancock  
 24      Street; thence South along the center line of Hancock Street to  
 25      Deep River; thence Southwesterly along the center line of Deep  
 26      River to Gibson Street; thence North along the center line of  
 27      Gibson Street to 29th Avenue; thence West along 29th Avenue,  
 28      including residences on both the North and South sides of 29th  
 29      Avenue to Clay Street; thence South along the center line of Clay  
 30      Street to Liverpool Road; thence Westerly along the center line of  
 31      Liverpool Road to Benton Street; thence North along the center  
 32      line of Benton Street to 29th Avenue; thence West along the  
 33      center line of 29th Avenue to State Street; thence North along the  
 34      center line of State Street to Marquette Road; thence Easterly  
 35      along the center line of Marquette Road to Clay Street; thence  
 36      North along the center line of Clay Street to Burns Ditch; thence  
 37      Easterly along the center line of Burns Ditch to the Little Calumet  
 38      River Bed; thence meandering along the center line of the Little  
 39      Calumet River Bed first in a Southerly direction, then in a  
 40      Northeasterly direction, and then in a Southerly direction to the  
 41      Borman Tri-State Highway (I-80 and I-94); then Easterly along  
 42      the center line of the Borman Tri-State Highway to Howard  
 43      Street; thence Southerly along the center line of Howard Street to  
 44      Court Street; thence East along the center line of Court Street to  
 45      Grand Boulevard; thence South along the center line of Grand  
 46      Boulevard to the point of beginning.



[20-3-22-5] Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

(1) Each prospective candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the primary election at which the members are to be elected that includes the following information:

(A) The name of the prospective candidate.

(B) Whether the prospective candidate is a district candidate or an at-large candidate.

(C) A certification that the **prospective** candidate meets the qualifications for candidacy imposed under this chapter.

(D) The signatures of at least one hundred (100) registered voters residing ~~within in~~ the school corporation.

(2) Each prospective candidate for a district position must:

(A) reside ~~within in~~ the district; and

(B) have resided ~~within in~~ the district for at least the three (3) years immediately preceding the election.

(3) Each prospective candidate for an at-large position must:

(A) reside ~~within the boundaries of in~~ the school corporation; and

(B) have resided ~~within the boundaries of in~~ the school corporation for at least the three (3) years immediately preceding the election.

(4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:

(A) be a registered voter; ~~and must~~

~~(B)~~ (B) have been a registered voter for at least the three (3) years immediately preceding the election; and

~~(B)~~ (C) be a high school graduate or have received a:

(i) high school equivalency certificate; or

(ii) state of ~~Indiana~~ general educational development (GED) diploma under ~~IC 20-10-1-12.1~~ **IC 20-20-6**.

(5) A prospective candidate may not:

(A) hold any other elective or appointive office; or

(B) have a pecuniary interest in any contract with the school corporation or its governing body;

as prohibited by law.

[20-3-22-6] Sec. 6. (a) With regard to the district positions **referred to in section 3(b) of this chapter**, the candidate who receives the greatest number of votes of all candidates against whom the candidate runs is elected.

(b) With regard to the at-large positions **referred to in section 3(c) of this chapter**, the ~~appropriate number of two (2)~~ at-large candidates who receive the greatest number of votes of all at-large candidates are elected.

[20-3-22-7] Sec. 7. The ~~Indiana~~ state board, ~~of education~~, with



assistance from the county election board, shall establish:

(1) balloting procedures under IC 3 for the election; and

(2) all other procedures required to implement this chapter.

[20-3-22-8] Sec. 8. ~~Except as provided in section 9(2) of this chapter,~~ The term of each person elected to serve on the governing body:

(1) is four (4) years; ~~beginning and~~

(2) ~~begins the July 1 following that next follows the person's~~ election.

[20-3-22-9] Sec. 9. The members ~~shall be~~ are elected as follows:

(1) Three (3) of the members ~~shall be~~ are elected at the primary election to be held in ~~2000~~ 2008 and every four (4) years thereafter.

(2) Two (2) of the members ~~shall be~~ are elected at the primary election to be held in ~~2002~~ 2006 and every four (4) years thereafter.

[20-3-22-10] Sec. 10. **The governing body shall temporarily fill** a vacancy on the governing body ~~shall be filled temporarily by the governing body~~ as soon as practicable after the vacancy occurs. The member chosen must reside in the same district as the vacating member. A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term.

#### **Chapter 15. Election of Governing Body Members in South Bend**

[20-3-20-1] Sec. 1. As used in this chapter, "county" ~~refers to means~~ the county in which the school corporation is located.

[20-3-20-2] Sec. 2. As used in this chapter, "school corporation" ~~refers only to means~~ a school corporation that:

(1) is located in a county having a population of:

(A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or

(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); and

(2) has at least twenty thousand (20,000) students.

[20-3-20-3] Sec. 3. (a) A school corporation shall hold a referendum at the first primary election after this chapter becomes applicable to the school corporation in which the registered voters who reside within the boundaries of the school corporation are entitled to vote as to whether the school corporation shall elect the members of the governing body of the school corporation under sections 6 through 11 of this chapter.

(b) The referendum ~~shall~~ **must** be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum.

(c) However, a referendum is not required in ~~any a county where in~~ **which** a referendum ~~pursuant to under~~ this chapter has been held in a school corporation in that county within twenty-four (24) months of the



1 effective date of this act.

2 [20-3-20-4] Sec. 4. (a) The circuit court clerk of the county shall  
3 provide notice of the referendum to the registered voters who reside  
4 within the boundaries of the school corporation:

- 5 (1) at least one (1) time;  
6 (2) in at least one (1) newspaper of general circulation that is  
7 published in the county; and  
8 (3) not earlier than March 15 nor later than April 15 of the year in  
9 which the referendum is held.

10 (b) The notice published under subsection (a) must:

- 11 (1) state that the referendum is called to afford the registered  
12 voters an opportunity to vote on whether members of the  
13 governing body will be elected;  
14 (2) state that the referendum will be held at the next primary  
15 election to be held on the first Tuesday after the first Monday in  
16 May;  
17 (3) state that the referendum will be held on a nonpartisan basis  
18 and that all registered voters residing within the boundaries of the  
19 (insert the name of school corporation) may vote in the  
20 referendum; and  
21 (4) designate that the voting place or places at which the  
22 referendum will be held must be those that are:  
23 (A) used for the next primary election; and  
24 (B) located within the boundaries of the (insert the name of  
25 school corporation).

26 (c) The referendum question must be placed on the ballot in the  
27 form prescribed by IC 3-10-9-4 and must state:

28 "Shall the members of the board of school trustees of the (insert  
29 the name of school corporation) be elected in the general election  
30 from five (5) districts and from two (2) at-large positions in the  
31 school corporation?"

32 [20-3-20-5] Sec. 5. (a) Each precinct election board shall count the  
33 affirmative votes and the negative votes cast in the referendum and  
34 shall certify those two (2) totals to the county election board.

35 (b) The clerk of the circuit court of the county shall, immediately  
36 after the votes cast in the referendum have been counted, certify the  
37 results to the state board. ~~of education.~~

38 (c) If a majority of the votes cast in the referendum favors the  
39 election of the members of the governing body, sections 6 through 11  
40 of this chapter concerning the manner in which the members of the  
41 governing body shall be elected applies.

42 [20-3-20-6] Sec. 6. (a) The governing body of the school  
43 corporation consists of seven (7) members who shall be elected:

- 44 (1) on a nonpartisan basis; and  
45 (2) in the general election held in the county.  
46 (b) Five (5) of the members shall be elected from the school districts



1 in which ~~they~~ **the members** reside as established under section 7 of  
 2 this chapter.

3 (c) Two (2) of the members shall be elected at-large.

4 [20-3-20-7] Sec. 7. The state board of education shall, before July  
 5 1 immediately following the referendum, establish the school districts  
 6 for the election of the members of the governing body under section  
 7 6(b) of this chapter as follows:

8 (1) The districts shall be drawn on the basis of precinct lines.

9 (2) The districts must be, as nearly as practicable, of equal  
 10 population, with the population of the largest district not to  
 11 exceed the population of the smallest district by more than five  
 12 percent (5%).

13 (3) The district lines must not cross precinct lines.

14 [20-3-20-8] Sec. 8. ~~Whenever~~ **If** a candidate runs for one (1) of the  
 15 district positions on the governing body, as provided under section 6(b)  
 16 of this chapter, the following ~~applies:~~ **apply:**

17 (1) An individual who runs for one (1) of the district positions on  
 18 the governing body must reside within that district.

19 (2) Upon filing an intention to run under this chapter, the  
 20 candidate must specify that the candidate is running for a district  
 21 position.

22 (3) Only eligible voters residing in the candidate's district may  
 23 vote for the candidate.

24 (4) The candidate who receives the greatest number of votes of all  
 25 candidates against whom the candidate runs wins.

26 [20-3-20-9] Sec. 9. ~~Whenever~~ **If** a candidate runs for one (1) of the  
 27 at-large positions on the governing body, as provided under section  
 28 6(c) of this chapter, the following ~~applies:~~ **apply:**

29 (1) An individual who runs for one (1) of the at-large positions on  
 30 the governing body must reside within the boundaries of the  
 31 school corporation.

32 (2) Upon filing an intention to run under this chapter, the  
 33 candidate must specify that the candidate is running for an  
 34 at-large position.

35 (3) Eligible voters from all districts may vote for the candidate.

36 (4) The two (2) candidates who receive the greatest number of  
 37 votes win.

38 [20-3-20-10] Sec. 10. The state board of education shall establish:

39 (1) balloting procedures for the election under the statutes  
 40 governing elections; and

41 (2) all other procedures required to implement this chapter.

42 [20-3-20-11] Sec. 11. (a) ~~Persons Except as otherwise provided in~~  
 43 **this section, a person** elected to serve on the governing body:

44 ~~begin their terms~~ **(1) begins the person's term** on January 1 of  
 45 the year following ~~their the person's~~ election; and

46 ~~serve~~ **(2) serves a** four (4) year ~~terms: except as otherwise~~





~~provided in this section: term.~~

(b) The two (2) members of the governing body who were last selected ~~in accordance with~~ **under** the selection process in effect for the school corporation before a referendum is held under this chapter shall serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter. However, if this subsection applies to more than two (2) members, the circuit court judge for the county shall select two (2) of these members to serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter.

(c) The terms of all other members of the governing body who were selected to serve on the governing body before a referendum is held under this chapter expire December 31 of the year in which the referendum is held.

(d) In the initial general election held to elect members of the governing body under this chapter, five (5) of the members shall be elected by voters from their districts as follows:

(1) Three (3) of the members elected shall serve for four (4) year terms.

(2) Two (2) of the members elected shall serve for two (2) year terms.

(e) In the second general election held to elect members of the governing body under this chapter, four (4) of the members shall be elected as follows:

(1) Two (2) of the members shall be elected by voters from their district and shall serve four (4) year terms.

(2) Two (2) of the members shall be elected at large and shall serve four (4) year terms.

[20-3-20-12] Sec. 12. ~~Vacancies~~ **(a) A vacancy** on the governing body ~~shall must~~ be filled temporarily by the governing body as soon as practicable after the vacancy occurs.

**(b)** A member chosen by the governing body to fill a vacancy ~~shall hold holds~~ office for the remainder of the unexpired term and ~~shall must~~ be chosen from the same district as the vacating member if the vacating member held a district position.

#### **Chapter 16. School Corporation Organization; Miscellaneous Provisions**

[NOTE - DOE RECOMMENDS REPEALING THESE PROVISIONS]

[20-4-1-7] Sec. 1. Sec. 7. ~~Any plan creating~~ **If** a united school corporation **is created** from existing school corporations ~~which that~~ are each entirely located in one (1) county, ~~shall, except as provided, be prepared by joint action of~~ the county committees of the counties in which the ~~respective~~ school corporations are ~~situated~~ **Any such plan, located shall jointly prepare a plan for the united school**



**corporation.** For the purpose of submission to the state board, ~~as provided, the plan~~ shall be included in the comprehensive plan of the county ~~which that~~ has the largest number of ~~pupils~~ **students** residing in the proposed united school corporation. ~~However, in instances when any such~~ **If an** existing school corporation ~~from which a united school corporation is created~~ contains territory in two (2) or more counties, the county committee of the county containing that portion of the school corporation ~~having that has~~ the most ~~pupils~~ **students** shall include the entire corporation ~~within in~~ its plan in the absence of a written agreement with the ~~adjoining~~ county committee **of the adjoining county** to the contrary.

[20-4-1-14] Sec. 2. ~~Sec. 14:~~ (a) All those reorganization plans approved before March 15, 1963, by the state board are hereby declared void on March 15, 1963, except with respect to any community school corporation where:

(1) any such plan has received a majority affirmative vote at an election;

(2) such plan has been certified by the clerk of the circuit court as being petitioned in by fifty-five percent (55%) or more of the registered voters for any such reorganized school corporation and notice has been duly published by the county committee pursuant to ~~sections 5 through 13, 20 through 23, 26, 28, 34, and 40~~ section 6 of this chapter **and IC 20-23-4-5 through IC 20-23-4-11, IC 20-23-4-14 through IC 20-23-4-17, IC 20-23-4-36, IC 20-23-4-39, IC 20-23-16-1, and IC 20-23-16-6;** or

(3) the plan provides for a school corporation meeting the qualifications for formation of a community school corporation under ~~section 22 of this chapter:~~ **IC 20-23-4-16.**

(b) The county committee and other government officials shall, with respect to any such voided reorganization plan, take all actions necessary for the preparation of a comprehensive plan as if no prior plan had been submitted, and within the time prescribed ~~by sections 5 through 13 of this chapter:~~ **IC 20-23-4-5 through IC 20-23-4-10 and IC 20-23-16-1.**

[20-4-1-19] Sec. 3. ~~Sec. 19:~~ Any preliminary or final plan adopted under ~~sections 5 through 14 of this chapter~~ may provide for a board of ~~nine (9) members where the~~ **With respect to a** proposed community school corporation ~~is formed out of two (2) or more school corporations operating a joint high school which high school that~~ has an enrollment of six hundred (600) or more in grades 9 through 12 at the time of the adoption of ~~the a~~ preliminary plan **adopted under IC 20-23-4-5 through IC 20-23-4-10, IC 20-23-16-1, and IC 20-23-16-2, the preliminary plan or final plan adopted under IC 20-23-4-5 through IC 20-23-4-10, IC 20-23-16-1, and IC 20-23-16-2 may provide for a board of nine (9) members.**

[20-4-1-26.9] Sec. 4. ~~Sec. 26-9:~~ (a) This section applies to each



1 school corporation. ~~whenever created.~~

2 (b) Each ~~board of school trustees~~ **governing body** created under this  
3 chapter may annually levy the amount of taxes that;

4 (1) in the judgment of the ~~board~~, governing body; and

5 (2) made a matter of record in ~~its~~ **the** minutes;

6 should be levied to produce income sufficient to conduct and carry on  
7 the public schools committed to the ~~board~~ **governing body**.

8 (c) The ~~board~~ **governing body** shall annually levy a rate that will  
9 produce a sum sufficient to meet all payments of principal and interest  
10 as they mature in the year for which the levy is made on the:

11 (1) bonds;

12 (2) notes; or

13 (3) other obligations;

14 of the community school corporation.

15 ~~(c)~~ (d) The power of the ~~board~~ **governing body** in making tax levies  
16 shall be exercised within existing statutory limits. The levies:

17 (1) are subject to the same review as school city levies; and

18 (2) shall be at a uniform and equal rate on all taxable property  
19 located within the boundaries of the community school  
20 corporation.

21 [20-4-1-27] Sec. 5. ~~Sec. 27:~~ School corporations adjacent to rejected  
22 segments of proposed reorganized school corporations shall accept on  
23 transfer, in the manner required by law, pupils of the rejected school  
24 corporation territory.

25 [20-4-1-28] Sec. 6. ~~Sec. 28: Where: If:~~

26 (1) ~~any~~ a plan has been approved by any county committee or  
27 committees and by the state board ~~prior to~~ **before** March 10,  
28 1961;

29 (2) the plan provides for election of the members of the board of  
30 school trustees of the community or united school corporation;  
31 and

32 (3) the first board of trustees has not yet been selected;

33 the plan may be amended by the county committee or committees with  
34 the approval of the state board without hearing to provide for the  
35 selection of the first members in the manner provided in section ~~26-6~~  
36 **25** of this chapter.

37 [20-4-1-35] Sec. 7. ~~Sec. 35: (1)~~ (a) A reorganization plan may  
38 provide that the proposed community school corporation or united  
39 school corporation shall pay to each:

40 (1) civil township;

41 (2) civil city; or

42 (3) civil town;

43 located ~~therein~~; **in the corporation** which has issued school aid bonds,  
44 ~~prior to~~ **before** the due date ~~thereof~~; **of the bonds**, amounts sufficient  
45 to pay principal and interest on ~~such~~ school aid bonds.

46 ~~(2)~~ (b) As an alternative to ~~the above provision~~ **subsection (a)**, a



reorganization plan may provide for the payment of outstanding school aid bonds of any of the foregoing civil units by:

(1) the civil townships located in the territory of ~~such the~~ community school corporation; or

(2) united school corporation;

with each civil township paying ~~each year~~ **annually** a proportionate share of the cost of the payment of the principal and interest of ~~such~~ school aid bonds falling due each year. ~~such The~~ proportionate share **must be to be** in the proportion that the net assessed valuation of ~~such the~~ civil township's taxable property located within the community or united school corporation bears to the total net assessed valuation in ~~such the~~ community or united school corporation. ~~Said The~~ annual amount shall be paid in semi-annual instalments on: ~~the 20th day of:~~

(A) June **20**; and

(B) December **20**;

of each year to the treasurer of the ~~board of school trustees governing~~ **body** of the community or united school corporation who shall in turn promptly pay over to the fiscal officer of each civil unit having outstanding school aid bonds an amount sufficient to pay the then next succeeding instalment of principal and interest on ~~said the~~ bonds.

[20-4-1-36] Sec. 8. ~~Sec. 36:~~ If any reorganization plan provides for the payment of school aid bonds as authorized in ~~section 35(1)~~ **section 7(a) or section 35(2) section 7(b)** of this chapter, each school corporation or civil township ~~which that~~ is required to make ~~such~~ payments ~~is hereby authorized and required to shall~~ include in ~~their the~~ **corporation's annual budgets budget** an amount sufficient to make ~~such the~~ payments and to levy a tax ~~therefor for the bonds~~, which tax in the case of civil townships ~~shall may~~ be levied only on the property located within the community or united school corporation (which ~~property shall constitute constitutes~~ a special taxing district), which shall be in addition to all taxes ~~heretofore previously~~ authorized and ~~such the~~ levy shall be reviewable by other bodies vested by law with such authority to ascertain that the levy is sufficient to raise the amount required to meet the payments. ~~provided; however; that no~~ **No** payments ~~as above provided for under this section~~ shall be required ~~prior to before~~ the first June 20 following the first August 1 after the proposed community school corporation or united school corporation has come into existence.

[20-4-1-37] Sec. 9. ~~Sec. 37:~~ In any community or united school corporation formed before March 11, 1961, the civil townships shall make the payments as provided in ~~section 35(2)~~ **section 7(b)** of this chapter and shall levy taxes as provided in ~~section 36 8~~ of this chapter as if ~~such the~~ provision had been included in the reorganization plan adopted.

[20-4-1-38] Sec. 10. ~~Sec. 38:~~ In any community school corporation formed before or after July 26, 1967, the board of school trustees may



by resolution provide for making payments to civil townships as provided in ~~section 35(1)~~ **section 7(a)** of this chapter and shall levy taxes as provided in ~~section 36 8~~ of this chapter as if ~~such the~~ provision had been included in the reorganization plan adopted.

[20-4-1-39] Sec. 11. ~~Sec. 39.~~ In a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000), whenever after April 17, 1963:

(1) proceedings have been ~~had~~ **undertaken** in good faith to form a community school corporation by the consolidation of two (2) or more prior established school corporations;

(2) ~~such the~~ community school corporation is held, by a final order and decision of a court, to be invalidly formed and nonexistent; and

(3) ~~which the~~ order and decision ~~is~~ **are** not subject to further judicial review;

any bonds issued (~~prior to such~~ **(before the** final order and decision of the court) in the name of ~~such the~~ community school corporation, to provide funds to be applied on the cost of construction and equipment of a school building:

(A) ~~shall not be~~ **are not** invalid by reason of ~~such the~~ final order and decision of the court; but

(B) ~~shall be and~~ constitute the valid and binding obligation of the prior established school corporation in which territory the school building was or is being constructed, the same as if ~~such the~~ bonds had been validly issued in the name of ~~such the~~ prior established school corporation.

This section ~~shall be~~ **is** applicable only if the bonds at the time of their issuance would have been within the limitation of indebtedness imposed by the Constitution of the State of Indiana on ~~such the~~ prior established school corporation.

[20-4-5-9] Sec. 12. ~~Sec. 9.~~ (a) Except as otherwise provided with respect to the power to issue bonds in section ~~10 13~~ of this chapter, ~~said school board~~ **the governing body** shall perform the duties and ~~shall~~ have all the powers vested in the ~~school board or board of trustees~~ **governing body** of a school city of the class in which the consolidated school corporation would fall on the basis of its population according to the last preceding United States census under the **Indiana** statutes, ~~of this state~~; if it were organized as a school city.

(b) ~~In the event, however, such~~ **If a** consolidated school corporation has a population ~~determined in such manner~~ of less than two thousand (2,000), ~~such school board~~ **the governing body** shall:

(1) ~~shall~~ perform the duties; and

(2) ~~shall~~ have all the powers vested in the ~~school board~~ **governing body** of a school town.

(c) The cost of maintaining ~~such~~ consolidated schools shall be borne by the consolidated school ~~corporation~~; **corporation** as a single ~~tax~~



1 **taxing** unit. Taxes to meet ~~such~~ **the** cost shall be:

2 (1) levied by ~~said the~~ consolidated ~~school board~~ **governing body**  
3 at a uniform and equal rate on all the taxable property located  
4 within the limits of ~~said the~~ consolidated school corporation; and

5 (2) collected in the:

6 (A) city or cities;

7 (B) town or towns; **and**

8 (C) township or townships;

9 in the same manner as other taxes are levied and collected.

10 [20-4-5-10] Sec. 13. ~~Sec. 10:~~ (a) ~~Whenever~~ **When** it shall become  
11 **becomes** necessary to:

12 (1) build a new building or buildings; or

13 (2) ~~to~~ make repairs or alterations on old ~~ones~~ **buildings;**

14 ~~said school board~~ **the governing body** shall have the power ~~to:~~ **may:**

15 (A) build ~~such a~~ new building or buildings; or

16 (B) ~~to~~ repair or alter ~~such old ones~~ **buildings; as they may**  
17 **deem necessary** and

18 (C) ~~to~~ purchase the necessary site ~~therefor;~~ **for new buildings.**  
19 **and the**

20 (b) ~~The cost thereof of new buildings or repairs or alterations for~~  
21 **old buildings shall** be taxed against all taxable property ~~lying~~ within  
22 the corporate limits of ~~such the~~ newly consolidated school corporation.  
23 ~~Said school board shall have~~

24 (c) ~~The governing body the power to may~~ issue bonds of ~~such the~~  
25 new school corporation against the taxable property ~~lying~~ within the  
26 corporate limits of the newly consolidated school corporation to meet  
27 the cost of any new building or buildings, or the repair or alteration of  
28 old ~~ones~~ **buildings.**

29 ~~(b) (d) Such bonds~~ **Bonds** authorized by this chapter shall be  
30 payable in ~~such~~ amounts and at ~~such~~ times ~~as the school board may~~  
31 ~~determine;~~ **governing body determines** and shall bear ~~such the~~ rate of  
32 interest as may be determined.

33 ~~(e) (e) Said board shall have~~ **The board the power to may** levy and  
34 collect taxes to meet the payment of any bonds issued ~~pursuant to~~  
35 **under this chapter;** ~~chapter. Provided; That said school board shall~~  
36 **have The governing body has** all of the powers given ~~and granted~~ to  
37 school corporations for the ~~appropriation~~ **purchase** of the real estate  
38 for school purposes by IC 20-5-23[??].

39 [20-4-5-11] Sec. 14. ~~Sec. 11:~~ (a) ~~Said~~ **The school board governing**  
40 **body of such a** consolidated school corporation ~~shall be~~ **is** governed by  
41 the **Indiana laws of the state** in force for transportation of ~~pupils~~  
42 **students to such** consolidated schools. ~~Provided; that if~~

43 (b) **If** a consolidated school is maintained within the corporate  
44 limits of a city or town, ~~then the said school board~~ **the governing body**  
45 shall provide and maintain means of transportation for all ~~pupils~~  
46 **students in:**



1 (A) elementary; or  
 2 (B) high schools; or  
 3 (C) both;  
 4 that live more than one-half (1/2) mile outside the city or town limit.  
 5 ~~and, provided further, that~~

6 (c) If by reason of due to:

7 (A) the condition of roads or streams; or

8 (B) distance;

9 it ~~would not be~~ **is not** advantageous for certain ~~children of school age~~  
 10 **students** to be transported to ~~any~~ a consolidated school established and  
 11 maintained under this chapter, the ~~said school board governing body~~  
 12 may maintain separate schools and provide schoolhouses for ~~such the~~  
 13 ~~children students so~~ affected by condition of roads, streams, or  
 14 distance to consolidated schools. **[QUERY: SHOULD THIS READ**  
 15 **"...BY THE CONDITIONS OF ROADS OR STREAMS OR**  
 16 **DISTANCE...?]**

17 [20-4-8-2] Sec. 15. ~~Sec. 2:~~ (a) County school corporations may be  
 18 formed in any county in either of the following ways:

19 (1) By majority vote of the township trustees in ~~any~~ **the** county.  
 20 ~~who~~ **The township trustees** shall hold an officially called public  
 21 meeting ~~wherein to allow~~ taxpayers of the county ~~may to~~ be  
 22 heard, at least ten (10) days following:

23 (A) publication of notice of ~~such the~~ meeting held within ~~said~~  
 24 ~~the~~ county ~~and~~ stating the time and place ~~thereof of the~~  
 25 ~~meeting~~ in accordance with IC 5-3-1; and

26 ~~(B) who shall therein adopt~~ **adoption of** a resolution ~~wherein~~  
 27 ~~such in which the~~ trustees ~~shall~~ provide for and approve the  
 28 creation of ~~such a~~ county school corporation.

29 ~~then said~~ **After the actions taken in clauses (A) and (B) have**  
 30 **been taken, the** county school corporation shall be created and  
 31 come into existence subject to the provisions and under the  
 32 conditions prescribed in this chapter.

33 (2) By action of the voters within any county in the following  
 34 manner:

35 (A) Whenever a petition requesting a referendum in the  
 36 township school corporations outside of the cities and towns  
 37 of a county:

38 (i) on the question of whether ~~said the~~ county school  
 39 corporation shall be created; **and**

40 (ii) signed by a number of registered voters in each school  
 41 township in the county equal to five percent (5%) of the  
 42 number of votes cast in that township for the office of  
 43 secretary of state in the last general election

44 ~~shall be~~ **is** filed in the office of the clerk of the circuit court in  
 45 ~~said the~~ county, the clerk shall call a meeting of the county  
 46 election board, ~~which board~~ **and the county election board**



shall provide for ~~said the~~ referendum.

(B) If the referendum will not be conducted at a general election or primary election, the proper taxing authorities shall levy and appropriate funds for ~~such a the~~ referendum.

(C) ~~Said The~~ referendum shall be held:

(i) at a special election not less than thirty (30) days after publication of notice in accordance with IC 5-3-1; or

(ii) at the next primary or general election after the filing of ~~said the~~ petition. ~~and~~

**The referendum** shall be submitted only to voters of the county residing in ~~said the~~ area.

(b) The question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the school townships of \_\_\_\_\_ county be formed into one county school corporation under ~~IC 20-4-8?~~ **IC 20-23-7?**".

(c) ~~In the event~~ If a majority of those voting on ~~such the~~ referendum **held under this section** vote in the affirmative, a county school corporation shall be created and come into existence subject to the provisions and under the conditions described under this chapter. In the event a majority of those voting in ~~said the~~ referendum vote in the negative, the existing school corporations and government thereof ~~shall remain~~ **remains** unaffected.

[20-4-8-3] Sec. 16. ~~Sec. 3:~~ When ~~such a~~ county school corporation is created and comes into existence by either of the methods set forth in section ~~2 15~~ of this chapter, the boundaries ~~thereof of the county school corporation shall must~~ be coterminous with the civil county, and ~~its the~~ territories **of the county school corporation shall must** include all the territory within the county exclusive of any territory organized under or with a city or town school corporation. ~~Provided, however, that any~~ Any township that at the time of ~~such the~~ referendum is:

(1) conducting any of its schools jointly; or

(2) consolidated with any city or town ~~pursuant to under~~ existing law;

shall continue to conduct ~~such the~~ schools in all respects and in the same manner as ~~heretofore, before the creation of the county school corporation~~ and the remainder of ~~its the~~ county schools shall become a part of the county school corporation. ~~and be governed as such. It the duty of~~ The county school corporation **to shall** conduct the educational activities of the county ~~in harmony with under~~ state law ~~and in general conformity with the laws of the state of Indiana~~ with reference to public education. The control and administration of the schools of the county ~~shall be~~ **is** vested in a county **board of education governing body** whose:

(A) composition;

(B) duties;





(C) manner of election; and  
 (D) powers;  
 are prescribed in this chapter.

[20-4-8-4] Sec. 17. ~~Sec. 4:~~ (a) At the first meeting of the board of commissioners of ~~such the county~~, county after the creation of ~~such a~~ county school corporation as provided in this chapter, the board of commissioners shall divide the school county exclusive of any cities and towns located therein into three (3) board member districts approximately equal in population.

(b) ~~Within~~ Not more than one (1) year ~~following after~~ the effective date of each United States decennial census, ~~said the board of county commissioners~~ shall readjust the boundaries of ~~said the~~ districts if necessary to equalize the ~~same districts~~ by population.

[20-4-8-5] Sec. 18. ~~Sec. 5:~~ The:

- (1) rights;
- (2) powers; and
- (3) duties ;

of ~~said the~~ school corporation ~~shall be~~ are vested in the county board of education governing body, which ~~shall be composed~~ must consist of five (5) members who have resided in the ~~same~~ county for at least two (2) years before taking office. The members of ~~such board the~~ governing body shall be ~~so~~ appointed or elected as ~~hereinafter~~ provided in this chapter so that:

(A) there shall be at least one (1) member from each of ~~said board the governing body~~ member districts; and

(B) not more than two (2) shall reside in any one (1) district.

[20-4-8-6] Sec. 19. ~~Sec. 6:~~ (a) The first county board of education shall be composed of the following five (5) members:

(1) ~~three (3)~~ Three (3) persons residing in different school board governing body member districts who ~~shall be~~ elected by the trustees of the townships included in ~~said the~~ county school corporation in a meeting ~~to be~~ called by the county superintendent of schools and held for ~~that the~~ purpose of electing governing body members within not more than one (1) week after the establishment of ~~said the board~~ governing body member districts by the board of commissioners. ~~and the~~

(2) Two (2) members appointed by the judge of the circuit court shall appoint two (2) members from different ~~board governing~~ body member districts. ~~Such appointments~~

Appointments made under this section shall be filed with the clerk of the circuit court not later than the day following the respective elections and appointments. The members of the county board of education governing body shall serve until their successors are elected or appointed and qualified.

(b) The first meeting of the first board of education shall be held within not more than one (1) month ~~following after~~ the creation of



1 ~~such~~ the county school corporation. ~~It~~ **The meeting** shall be called by  
 2 the county superintendent of schools. At ~~such~~ the first meeting the  
 3 ~~board governing body~~ shall organize. ~~and during~~

4 **(c) During** the first ten (10) days of each succeeding July **it the**  
 5 **governing body** shall ~~reorganize~~; **reorganize** by electing a:

- 6 (1) president;
- 7 (2) ~~a~~ vice president;
- 8 (3) ~~a~~ secretary; and
- 9 (4) ~~a~~ treasurer.

10 ~~(c)~~ **(d)** The secretary of the ~~board~~ **governing body** shall keep an  
 11 accurate record of the minutes of the ~~board governing body~~. ~~which~~  
 12 **The** minutes shall be kept in the county superintendent's office. The  
 13 county superintendent shall:

- 14 (1) act as administrator of the ~~board~~ **governing body**; and
- 15 (2) ~~shall~~ carry out ~~such~~ acts and duties as ~~shall be~~ designated by  
 16 the ~~board~~ **governing body**.

17 ~~(d)~~ **(e)** A quorum ~~shall consist~~ **consists** of a majority of the members  
 18 of the ~~board governing body~~ **which in all cases shall be and is**  
 19 required for the transaction of business. The vote of a majority of those  
 20 present ~~shall be~~ **is** required for any:

- 21 (1) motion;
- 22 (2) ordinance; or
- 23 (3) resolution;

24 to pass.

25 ~~(e)~~ **(f)** The ~~board~~ **governing body** shall:

- 26 (1) conduct its affairs ~~in the manner as~~ prescribed herein  
 27 ~~elsewhere~~ for the conduct of county ~~boards of education~~  
 28 **governing bodies**;
- 29 (2) ~~shall except in unusual cases~~ hold its meetings at:  
 30 (A) the office of the county superintendent of schools; or  
 31 (B) ~~at~~ a place mutually designated by the:  
 32 (i) ~~board governing body~~; and  
 33 (ii) the superintendent; and
- 34 (3) ~~shall~~ maintain all records and transact all business from ~~such~~  
 35 **a place designated under subsection (f)(2).**

36 ~~(f)~~ **(g)** The county ~~board of education governing body~~ shall ~~have the~~  
 37 **power to** pay each member of the ~~board governing body~~:

- 38 (1) a reasonable per diem for service on the ~~board governing~~  
 39 **body** not to exceed one hundred twenty-five dollars (\$125) ~~per~~  
 40 **year annually**; and
- 41 (2) ~~for travel to and from their~~ **mileage from the homes** ~~home of~~  
 42 **a governing body member** to the place of meeting within the  
 43 county. ~~a sum for mileage at a rate~~ **The mileage rate shall be**  
 44 determined by the county fiscal body.

45 [20-4-8-7] Sec. 20. ~~Sec. 7:~~ The transfer of:

- 46 (1) powers;



- (2) duties;
- (3) property;
- (4) property rights;
- (5) other assets;
- (6) liabilities;
- (7) contracts, both as to rights and obligations; and
- (8) all else connected with the transfer of authority from existing school corporations to the county school corporation;

shall take place at the time of the first meeting of the first ~~board of education~~ **governing body** within one (1) month after the creation thereof of the **governing body** and are ~~hereby declared~~ vested in the county school corporation ~~as of that at the time of the meeting.~~

[20-4-8-8] Sec. 21. ~~Sec. 8:~~ (a) At the time provided ~~by under~~ IC 3-8-2-4 for filing a declaration of candidacy for the primary election ~~next~~ following the creation of the county school corporation as provided in this chapter, nominations for members of the ~~board of education~~ **governing body** of ~~said~~ the county school corporation shall be:

- (1) made by a petition signed by:
  - (A) the nominee; and
  - (B) ten (10) voters of the county residing in the same ~~board governing body~~ member district as the nominee; ~~which and~~
- (2) ~~shall be~~ filed with the clerk of the circuit court in the ~~respective~~ county; ~~and~~
- (3) ~~Such nominations; shall be~~ listed:
  - (A) by ~~board governing body~~ member districts on the primary election ballot as prescribed by IC 3-10-1-19; ~~but and~~
  - (B) without party designation.

(b) Voting and tabulation of votes shall be conducted in the same manner as in primary elections under IC 3-10-1. The candidates elected:

- (1) from each ~~board governing body~~ member district; and
  - (2) at large;
- ~~shall be~~ **are** the persons having the greatest number of votes.

(c) If:

- (1) in the first election more than two (2) candidates in any one (1) ~~board governing body~~ member district ~~shall be~~ **are** among those who received the greatest number of votes; or
  - (2) if in any subsequent election more than one (1) person shall be among those who received the greatest number of votes;
- ~~then~~ the candidate or candidates respectively receiving the next greatest number of votes in other board member districts respectively shall be declared elected.

(d) ~~in the event of~~ **If there is** a tie vote for any ~~of said~~ candidates, the judge of the circuit court shall select one (1) of ~~said~~ the candidates who shall be declared and certified elected.



1        ~~(c)~~ (e) If at any time ~~there shall occur~~ a vacancy or vacancies **occur**  
 2 on the ~~board governing body~~ for any reason including the failure of the  
 3 sufficient number of petitions for candidates being filed, ~~it shall be the~~  
 4 ~~duty of~~ the judge of the circuit court ~~to shall fill said the vacancy or~~  
 5 vacancies by appointing a person or persons from the respective ~~board~~  
 6 **governing body** member district or districts to serve for the term or  
 7 balance of terms. ~~respectively.~~

8        ~~(d)~~ (f) At the first primary election ~~wherein in which~~ members of  
 9 the county board of education **are** elected, the:

10        (1) three (3) candidates who receive the highest number of votes  
 11 in each of the ~~respective~~ board member districts shall be elected  
 12 for four (4) year terms; and

13        (2) ~~the~~ two (2) candidates from different districts receiving the  
 14 next highest number of votes respectively shall be elected for two  
 15 (2) year terms.

16        (g) All candidates for membership on the county ~~board of education~~  
 17 **governing body** shall:

18        (1) be voted upon by the voters in the county school corporation  
 19 district only; ~~and~~

20        (2) ~~shall~~ be elected for four (4) year terms after the first election;  
 21 and

22        (3) ~~shall~~ take office and assume their duties one (1) week after  
 23 ~~their~~ election.

24        [20-4-8-9] Sec. 22. ~~Sec. 9:~~ (a) ~~It shall be the duty of~~ The county  
 25 ~~board of education governing body to shall~~ appoint a county  
 26 superintendent of schools who:

27        (1) shall serve under contract:

28        (A) in the same manner; and

29        (B) under the same laws; ~~as shall~~

30        ~~that~~ govern the employment and service of other licensed school  
 31 personnel.

32        ~~(b) and his~~ The salary and expense allowance of the  
 33 **superintendent** shall be fixed by ~~said board: the governing body.~~

34        (c) ~~His~~ The original contract of the **superintendent** ~~shall must be~~  
 35 for a term of from three (3) to five (5) years. ~~and he~~ The  
 36 **superintendent** may be elected for **succeeding terms of from three (3)**  
 37 **to five (5) year succeeding terms: years.**

38        ~~(b)~~ (d) Appointments to fill a vacancy in the position of county  
 39 superintendent of schools:

40        (1) may be made at any time;

41        (2) and shall be so made as to coincide with ~~the provisions of this~~  
 42 chapter.

43        ~~(c)~~ (e) ~~It shall be the duty of~~ The **board governing body** shall:

44        (1) ~~to~~ act upon the recommendations of the county superintendent  
 45 of schools; and

46        (2) ~~to~~ make all other ~~such~~ decisions and perform all other ~~such~~



1 duties ~~as that~~ fall within the general framework of the laws of ~~the~~  
 2 ~~state.~~ **Indiana.**

3 ~~(f) Provided, however, that the~~ **The** county superintendent shall  
 4 serve as ~~such~~ county superintendent for the balance of the term for  
 5 which ~~he the superintendent~~ was last elected or appointed at the same  
 6 salary, ~~and which shall be paid from the same source specified in the~~  
 7 **contract between the governing body and the superintendent** unless  
 8 by action of the county ~~board of education~~ **governing body** of the  
 9 county school corporation created hereby **[QUERY: WHAT DOES**  
 10 **THIS REFER TO?]** ~~his the superintendent's~~ salary shall be  
 11 increased.

12 **(g)** At the expiration ~~thereof of the contract between the~~  
 13 **superintendent and the governing body** or ~~in the event of his if the~~  
 14 ~~death or resignation the superintendent dies or resigns,~~ appointment  
 15 and salary of the county superintendent of schools shall be:

- 16 **(1)** made;
- 17 **(2)** set; and
- 18 **(3)** paid;

19 as provided in this chapter.

20 [20-4-8-10] Sec. 23. ~~Sec. 10: It shall be the duty of The~~ **duties of**  
 21 the county superintendent of schools ~~to act~~ **include:**

22 **(1) Acting** as general administrator of ~~said the school~~  
 23 corporation. ~~and to make~~

24 **(2) Making** recommendations to the ~~board~~ **governing body**  
 25 concerning the:

- 26 **(A)** conduct of the schools; ~~the~~
- 27 **(B)** employment and dismissal of personnel; ~~the~~
- 28 **(C)** purchase of supplies; ~~the~~
- 29 **(D)** construction of buildings; and
- 30 **(E)** all other matters pertaining to the conduct of the schools  
 31 within the framework of the school laws of this state. ~~It shall~~  
 32 ~~be his duty to attend~~

33 **(3) Attending** all meetings of the ~~board~~ **governing body** except  
 34 when his reappointment is under consideration. ~~to carry~~

35 **(4) Carrying** out the orders of the ~~board,~~ ~~and to make~~ **governing**  
 36 **body.**

37 **(5) Making** all other decisions and ~~perform~~ **performing** all other  
 38 duties that ~~may be~~ **are** prescribed by law or ~~which may that~~ fall  
 39 within ~~his the superintendent's~~ proper and logical jurisdiction.

40 [20-4-8-11] Sec. 24. ~~Sec. 11:~~ (a) The ~~board as above referred to~~  
 41 **governing body** shall:

- 42 **(1)** make decisions pertaining to the general conduct of the  
 43 schools which shall be enforced as ~~entered upon~~ **recorded in the**  
 44 minutes ~~recorded~~ **prepared** by the secretary of the ~~board,~~  
 45 **governing body;** and
- 46 **(2)** subject to provisions in this chapter, ~~otherwise,~~ shall exercise



all powers previously exercised:

(A) under the law:

(i) by or through township trustees; or

(ii) meetings; or

(iii) petitions of the township trustees of the county, or county boards of education;

previously existing.

~~(b) and such offices, namely;~~ **The duties of:**

(1) township trustee;

(2) county board; ~~or and~~

(3) county boards of education;

insofar as the conduct of public schools is ~~concerned~~ **concerned**, are abolished as of noon on the day and date the county school corporation is created and comes into existence under this chapter.

~~(b)~~ (c) The county superintendent of schools and other persons employed for administrative or supervisory duties ~~may be deemed to be~~ **are** supervisors of instruction.

~~(c)~~ (d) The government of the common schools of the county ~~shall be~~ **is** vested in the ~~board,~~ **governing body.** ~~and the board~~ **The governing body** shall function with all the authority, powers, privileges, duties, and obligations previously granted to or required of school cities and their governing ~~boards~~ **bodies** generally under the laws ~~pertaining thereto with reference to~~ **concerning** the:

(1) purchase of supplies;

(2) purchase and sale of :

(A) buildings;

(B) grounds; and

(C) equipment;

(3) ~~the~~ erection of buildings;

(4) ~~the~~ employment and dismissal of school personnel;

(5) ~~the~~ insuring of property and employees;

(6) ~~the~~ levying and collecting of taxes;

(7) ~~the~~ making and executing of a budget;

(8) ~~the~~ borrowing of money; **and**

(9) ~~the~~ paying of the salaries and expenses of the county superintendent and employees as approved by the ~~board~~ **governing body.**

~~(e)~~ **The school corporation is** a body corporate and politic by the name and style of "The County School Corporation of \_\_\_\_\_ County, Indiana" with the right to prosecute and defend suits; and shall act in any manner necessary to the proper administration of the common schools of the county.

~~(f)~~ (f) School corporations shall be vested with all rights, titles, and interests of ~~their~~ **the** respective predecessor township and town school corporations terminated ~~and~~ in all the:

(1) real;



(2) personal; and  
 (3) other property of any nature;  
~~and~~ from whatever source derived.

(g) ~~and School corporations~~ shall assume, pay, and be liable for all the:

- (1) indebtedness;
- (2) obligations; ~~and~~
- (3) liabilities; and
- (4) duties;

of the predecessor corporations from whatever source derived and however arising.

(h) ~~and School corporations~~ shall institute and defend suits arising out of:

- (1) ~~aforesaid~~ liabilities;
- (2) obligations;
- (3) duties; and
- (4) rights;

assumed **under this section** as a county school corporation.

(~~e~~) (i) The treasurer, before entering upon the duties of ~~his~~ office, shall execute a bond to the acceptance of the county auditor in an amount equal to the largest sum of money that will be in the possession of the treasurer at any one time, conditioned as an ordinary official bond, with a reliable surety company or at least two (2) sufficient freehold sureties, who shall not be members of ~~such board, the governing body~~ as surety or sureties on ~~such the~~ bond.

(j) The president and the secretary shall each give bond, with like surety or sureties, to be approved by the county auditor, in the sum of one-fourth (1/4) of ~~said the~~ amount **of the bond of the treasurer under subsection (i). Boards of school trustees**

(k) **Governing bodies** may purchase bonds from ~~some~~ a reliable surety company and pay for them out of the special school revenue of their ~~respective~~ counties.

(~~f~~) (l) The powers ~~set forth~~ in this section shall not be considered as or construed to limit the power and authority of ~~such boards a governing body~~ to the powers ~~therein~~ expressly conferred or to restrict or modify any powers or authority granted by any other law not in conflict with ~~the provisions of~~ this section.

(~~g~~) (m) Every ~~such board governing body~~ shall have the power **may** annually to levy ~~such amount of taxes as in the judgment of such board, made matter of record in its minutes, should be levied necessary~~ to produce income sufficient to conduct and carry on the common schools committed to ~~such board, the governing body. The levy must be a matter of record in the minutes of the governing body. and it is made the duty of such board~~ **The governing body shall** annually to levy a rate and levy that will produce a sum sufficient to meet all payments of principal and interest as they will mature in the year for



which ~~such~~ **the** levy is made on the:

- (1) bonds;
- (2) notes; or
- (3) other obligations;

of ~~such board~~ **the governing body**. The power of ~~such board~~ **the governing body** in ~~so~~ making tax levies shall be exercised within existing statutory limits. ~~and said levies~~ **The levies shall be** are subject to the same review as school city levies.

[20-4-8-20] Sec. 25. ~~Sec. 20:~~ It ~~shall be~~ **the duty of the A** metropolitan superintendent of schools **shall:**

- (1) ~~to~~ act as **the** general administrator of ~~said the~~ metropolitan school district; and
- (2) ~~to~~ make recommendations to the board concerning:
  - (A) the conduct of the schools;
  - (B) the employment and dismissal of personnel;
  - (C) the purchase of supplies;
  - (D) the construction of buildings; and
  - (E) ~~all~~ other matters pertaining to the conduct of the school within the framework of the school laws of this state;
- (3) ~~It shall be his duty to~~ attend ~~all~~ meetings of the board except when ~~his~~ **the superintendent's** re-appointment is under consideration;
- (4) ~~to~~ carry out the orders of the board; and
- (5) ~~to~~ make ~~all~~ other decisions and perform ~~all~~ other duties that ~~may be~~ **are** prescribed by law. ~~or which may fall within his power and logical jurisdiction.~~

[20-4-8-21] Sec. 26. ~~Sec. 21:~~ (a) ~~The A~~ **metropolitan board of education as referred to in this chapter shall:**

- (1) Make decisions pertaining to the general conduct of the schools. ~~Decisions which~~ shall be enforced ~~as and~~ entered ~~upon~~ **into** the minutes recorded by the secretary of the board. ~~and;~~ **subject to this chapter;**
- (2) ~~shall~~ Exercise ~~all~~ powers previously exercised under the law, by or through:
  - (A) township trustees; ~~or~~
  - (B) meetings or petitions of the township trustees of the county; ~~and/or and~~
  - (C) county boards of education previously existing. ~~and such~~

**The offices ~~namely~~ of township trustee, county board ~~and/or or~~ county boards of education ~~insofar as far~~ as the conduct of public schools is concerned are ~~hereby~~ abolished as of noon on the day and date the metropolitan school district is created and comes into existence.**

(b) The metropolitan superintendent of schools and other persons employed for administrative or supervisory duties may be ~~deemed~~ **considered** to be supervisors of instruction and ~~as such are~~ eligible, subject to the rules ~~that have been or shall be~~ adopted by the state





board of education, to qualify for teaching units in accordance with law.

(c) The government of the common schools of ~~said a district shall be is~~ vested in the board. ~~and~~ The board shall function with ~~all~~ the authority, powers, privileges, duties, and obligations previously granted to or required of school cities and their governing boards ~~generally under the laws pertaining thereto with reference to regarding~~ the:

(1) purchase of supplies;

(2) purchase and sale of:

(A) buildings;

(B) grounds; and

(C) equipment; ~~the~~

(3) erection of buildings; ~~the~~

(4) employment and dismissal of school personnel; ~~the~~

(5) insuring of property and employees; ~~the~~

(6) levying and collecting of taxes; ~~the~~

(7) making and executing of a budget; ~~the~~

(8) borrowing of money; ~~the and~~

(9) paying of the salaries and expenses of the:

(A) county superintendent; and

(B) employees;

as approved by the board.

(d) ~~A board shall be is~~ a body corporate and politic by the name and style of "The Metropolitan School District of \_\_\_\_\_, Indiana" with the right to prosecute and defend suits and shall act in ~~any manner as~~ necessary to the proper administration of the common schools of the county.

~~(d)~~ (e) ~~Such A school districts district~~ shall:

(1) be vested with ~~all~~ rights, titles, and interests of ~~their the district's respective~~ predecessor township ~~and or~~ town school corporations; ~~hereby terminated and in all the real, personal, and other property of any nature and from whatever source derived, and shall~~

(2) assume, pay, and be liable for ~~all~~ the:

(A) indebtedness;

(B) obligations;

(C) liabilities; and

(D) duties;

of ~~said the~~ predecessor corporations from whatever source ~~derived derived~~; and ~~however arising and shall~~

(3) institute and defend suits arising out of ~~aforsaid the school district's~~

(A) liabilities;

(B) obligations;

(C) duties; and

(D) rights;



assumed ~~as~~ by a metropolitan school district.

~~(e)~~ **(f)** The treasurer, before entering upon the duties of ~~his~~ **the** office, shall execute a bond to the acceptance of the county auditor. ~~which The bond shall in no event may not~~ be greater than the largest sum of money that will be in the possession of the treasurer at any one **(1)** time. The board of education may purchase ~~said~~ **the** bond from a reliable surety company and pay for it out of the special school revenue of the metropolitan district.

~~(f)~~ **(g)** The powers set forth in this section shall not be considered as or construed to:

**(1)** limit the power and authority of ~~such a school boards board;~~ **to the powers therein expressly conferred** or

**(2)** ~~to~~ restrict or modify any powers or authority granted by any ~~other~~ **another** law not in conflict with the provisions of this section.

~~(g)~~ **(h)** Every ~~such A board shall have the power may~~ annually to levy ~~such amount of taxes as in the judgment of such board and the decision to levy taxes shall be recorded in the board's made matter of record in its minutes. Taxes~~ should be levied to produce income sufficient to conduct ~~and carry on~~ the common schools committed to ~~such the board. and it is hereby made the duty of such A board shall~~ annually to levy a rate ~~and levy~~ that will produce a sum sufficient to meet ~~all~~ payments of principal and interest ~~as they that~~ will mature in the year ~~for which such that the~~ levy is made on the bonds, notes, or other obligations of ~~such the~~ board. The power of ~~such a~~ board in ~~so~~ making tax levies shall be exercised within statutory limits and ~~said~~ levies ~~shall be~~ **are** subject to the same review as school city levies.

[20-4-8-23] Sec. 27. ~~Sec. 23: Whenever any The boards of education of a county or metropolitan school district shall have been created under this chapter as provided herein; the boards of education of such districts shall be empowered to may~~ levy and collect taxes ~~sufficient in amount to conduct operate~~ the schools of ~~said the~~ district in the same manner and with the same supervision that taxes are levied and collected by cities and towns.

[20-4-8-27] Sec. 28. ~~Sec. 27: Any A~~ county school corporation or metropolitan school district formed ~~and/or or~~ operating under Acts 1949, c.227, on March 13, 1959, shall, after that date, be governed, have the powers, and operate in accordance with the provisions of this chapter in the same manner as though it had been formed in accordance with this chapter.

[20-4-15-1] Sec. 29. ~~Sec. 1: As used in this chapter; the following terms shall have~~ The following **definitions apply throughout this chapter: meanings:**

**(a)** "Civil "City or town" shall be any civil city or civil town:

**(b) (1)** "Annex", "annexing", "annexation" ~~shall refer to means~~ **any an** act of a civil city or town, including but not limited to:



- 1 (A) annexation;  
 2 (B) incorporation of the ~~civil~~ city or town; and  
 3 (C) formation in a ~~civil~~ city or town of a city or town school  
 4 corporation, ~~whereby if~~ territory is acquired by one (1) school  
 5 corporation from another school corporation.
- 6 ~~(c)~~ (2) "Acquiring school corporation" ~~shall be means~~ the school  
 7 corporation ~~which that~~ acquires territory as a result of ~~any an~~  
 8 annexation by a ~~civil~~ city or town.
- 9 ~~(d)~~ (3) "Original school corporation" ~~shall be means any a~~ school  
 10 corporation ~~which that~~ loses territory to an acquiring school  
 11 corporation by annexation.
- 12 ~~(e)~~ (4) "Annexed territory" ~~shall be means~~ the territory acquired  
 13 from an original school corporation as a result of annexation by  
 14 a ~~civil~~ city or town.
- 15 ~~(f)~~ (5) "Real property" ~~shall include means~~ land, buildings, and  
 16 ~~all~~ interests in real estate located in the annexed territory and  
 17 owned by the original school corporation at the time of  
 18 annexation.
- 19 ~~(g)~~ (6) "Indebtedness of an original school corporation" ~~shall be~~  
 20 ~~means~~ indebtedness on account of unpaid bonds of ~~such the~~  
 21 original school corporation or its predecessors in interest.
- 22 ~~(h)~~ (7) "Depreciated replacement cost" of a building ~~at any time~~  
 23 ~~shall mean means~~ the then cost of replacing the building with a  
 24 comparable building built by then current methods and designs  
 25 and providing the same general facilities, reduced by the sum of  
 26 the following amounts:
- 27 (i) (A) that portion of ~~such the~~ replacement cost ~~which that~~ is  
 28 equal to that portion of the useful life of ~~such the~~ building  
 29 ~~which that~~ has expired at ~~such that~~ time; plus
- 30 (ii) (B) ~~such the~~ additional amount if ~~any, as may be that is~~  
 31 necessary to reflect ~~any an~~ obsolescence or damage ~~for which~~  
 32 ~~allowance that~~ is not reasonably made by the reduction  
 33 specified in ~~subdivision (i) clause (A).~~
- 34 [20-4-15-2] Sec. 30. ~~Sec. 2: (a) Whenever any civil If a city or town~~  
 35 ~~shall hereafter annex annexes any territory in which there is located~~  
 36 ~~where any~~ real property of the original school corporation ~~is located~~  
 37 at the time of ~~such the~~ annexation, ~~such the~~ real property shall by  
 38 ~~virtue of such annexation~~ become the property of the acquiring school  
 39 corporation. ~~which The acquiring school corporation~~ shall make the  
 40 payments provided by this section.
- 41 (b) If the original school corporation is indebted at the time of  
 42 annexation for the acquisition or construction of ~~such~~ real property, the  
 43 acquiring school corporation shall assume and pay ~~as the same shall~~  
 44 ~~become due all~~ instalments of principal and interest ~~which that~~ fall due  
 45 on ~~such the~~ indebtedness after the end of the last calendar year ~~in~~  
 46 ~~which that~~ the original school corporation is entitled to receive current



1 tax receipts from property tax levies on the property in the annexed  
2 territory.

3 **(c) ~~Such~~ The acquiring school corporation shall make** payments  
4 **~~shall be made~~** to the original school corporation as agent for payment  
5 to the holders of the indebtedness. **~~Such~~** Indebtedness shall include **~~but~~**  
6 **~~not by way of limitation; any indebtedness includes~~** the proceeds of  
7 **~~which that~~** were **~~expended spent~~** for:

8 (1) the costs of acquisition or construction of the real property;  
9 **~~and for~~**

10 (2) the architects' fees;

11 (3) attorney's fees; **~~and~~**

12 (4) other costs attributable to **~~such the~~** acquisition or construction;  
13 **~~and to~~**

14 (5) the issuance or securing of **~~such~~** indebtedness.

15 **(d)** The acquiring school corporation shall **~~also~~** pay to the original  
16 school corporation the present value of the real property, less the  
17 principal amount of **~~such the~~** indebtedness at the time of annexation.  
18 **~~to be paid by the acquiring school corporation.~~**

19 **(e)** The present value of **~~any~~** land **~~that is~~** a part of the real property  
20 **~~shall mean means~~** the present market value of **~~the~~** land. **~~and~~**

21 **(f)** The present value of **~~any~~** buildings **~~a building that is~~** a part of  
22 the real property **~~shall be means~~** the depreciated replacement cost of  
23 **~~such the~~** building.

24 **(g) A majority vote of three (3) appraisers shall determine** the  
25 present value of **~~such the~~** real property. **~~shall be determined by a~~**  
26 **~~majority vote of three (3) appraisers. The appraisers must include:~~**

27 (1) one (1) **~~appraiser~~** to be selected by the governing body of the  
28 original school corporation;

29 (2) one (1) **~~appraiser~~** to be selected by the governing body of the  
30 acquiring school corporation; and

31 (3) **~~the third one (1) appraiser chosen~~** by the appraisers **~~thus~~**  
32 **~~appointed; selected under subdivisions (1) and (2). Upon the~~**  
33 **~~failure of such If the~~** appraisers **~~fail to agree upon a third an~~**  
34 **~~appraiser under subdivision (3), he the judge of the circuit~~**  
35 **~~court in the county where the real property to be appraised is~~**  
36 **~~located shall be appointed; upon a motion of either such school~~**  
37 **~~corporation, by the judge of the circuit court in the county where~~**  
38 **~~the real property to be appraised is located: shall appoint the~~**  
39 **~~third appraiser.~~**

40 **(h)** On payment by the acquiring school corporation of the present  
41 value of **~~such the~~** real property less **~~any such~~** indebtedness, **~~it shall be~~**  
42 **~~the acquiring school corporation is~~** entitled to a deed for the real  
43 property from the original school corporation.

44 [20-4-15-3] Sec. 31. **~~Sec. 3: (a) Whenever any civil If a city or town~~**  
45 **~~shall after March 9, 1959, annex annexes~~** territory and the original  
46 school corporation at the time of annexation has **~~an~~** outstanding



indebtedness, other than the indebtedness to be paid by the acquiring school corporation under section ~~2~~ **30** of this chapter, the ~~civil~~ city or town shall assume and pay **the original school corporation's indebtedness** as the same shall become due and a portion part of all the installments of principal and interest ~~which that~~ fall due on ~~such~~ the indebtedness after the end of the last calendar year in ~~which that~~ the original school corporation is entitled to receive current tax receipts from property tax levies on the property in the annexed territory.

(b) ~~Such~~ The proportion ~~shall must~~ be the same proportion as the valuation of the real property in the annexed territory bears to the valuation of ~~all of~~ the real property in the original school corporation, as the same [QUERY: WHAT DOES "SAME" REFER TO?] is assessed for general taxation immediately ~~prior to before~~ the annexation. ~~Such~~ The payments shall be made to the original school corporation as agent for payment to the holders of the indebtedness.

[20-4-15-4] Sec. 32. ~~Sec. 4:~~ No annexation of territory by ~~any civil~~ a city or town ~~shall be is~~ effective if, as a result of ~~such the~~ annexation, the liability of the ~~civil~~ city or town or of the acquiring school corporation ~~imposed by this chapter would will~~ cause the entire indebtedness of ~~such civil the~~ city or town or of ~~such the~~ acquiring school corporation to exceed the constitutional limitation. ~~thereon:~~

[20-4-15-5] Sec. 33. ~~Sec. 5:~~ This chapter shall not be construed to permit or prohibit ~~any an~~ annexation, except as provided in section ~~4~~ **32** of this chapter, or to determine whether or to what extent ~~any an~~ action by ~~any civil~~ a city or town shall cause territory in an original school corporation to be acquired by another school corporation.

[20-4-15-6] Sec. 34. ~~Sec. 6:~~ This chapter ~~shall apply applies~~ to all annexations. ~~occurring after March 9, 1959:~~ The rights, privileges, or duties ~~running for the from the~~ benefit of or imposed upon ~~any a~~ municipal corporation on or after March 9, 1959, arising on account of ~~any an~~ annexation occurring ~~prior to before~~ March 9, 1959, shall remain unimpaired and shall be exercised and enforced ~~after that date~~ as ~~though if the repeat of the~~ following statutes had not been ~~enacted:~~ repealed:

Acts 1893, c.109, s.1

Acts 1919, c.84

Acts 1927, c.219

Acts 1935, c.158.

[20-4-16-1] Sec. 35. ~~Sec. 1:~~ As used in this chapter, the following terms ~~shall have the following meanings:~~ The following definitions apply throughout this chapter:

(a) (1) "City" or "town" ~~shall be means~~ a city or town ~~which that~~ conducts its school as a school city, ~~or~~ school town, or as part of a consolidated or metropolitan school corporation.

(b) (2) "Annexing school corporation" ~~shall be means~~ the school corporation of ~~any a~~ city or town ~~which that~~ annexes territory.



~~(c)~~ (3) "Original school corporation" ~~shall be~~ **means** a school corporation from whom territory is annexed.

~~(d)~~ (4) "Annexed territory" ~~shall be~~ **means** the territory annexed from an original school corporation by ~~such a~~ city or town.

~~(e)~~ (5) "Tax receipts" ~~shall be~~ **means** the amounts received from the tax levy for the tuition and special school funds by the original school corporation from the annexed territory.

[20-4-16-2] Sec. 36. ~~Sec. 2: Whenever any~~ **If a** city or town ~~shall have~~ **has:**

(1) annexed territory from an original school corporation; and ~~shall have~~

(2) assumed the responsibility for providing educational facilities for the **school age** children ~~of school age~~ residing in the annexed territory prior to the end of the calendar year ~~in which such~~ **when the** annexation occurs;

the auditor or auditors of the county or counties ~~in which~~ **where** the annexed territory is located shall pay to the treasurer of the annexing school corporation a proportion of the tax receipts payable in ~~such the~~ year equal to the number of months and any major fraction of a month, excluding in ~~such the~~ calculation, ~~however,~~ any time falling within the summer recess, during which the annexing school corporation provides ~~such the~~ educational facilities divided by nine (9).

[20-4-16-3] Sec. 37. ~~Sec. 3: Whenever any~~ **If a** city or town ~~shall have~~ **has:**

(1) annexed territory from an original school corporation after March 1 of ~~any a~~ calendar year; and ~~shall have~~

(2) assumed the responsibility for providing educational facilities for the **school age** children ~~of school age~~ residing in the annexed territory during the calendar year following the year ~~in which such~~ **when the** annexation occurs;

the auditor or auditors of the county or counties ~~in which~~ **where** the annexed territory is located shall pay to the treasurer of the annexing school corporation a proportion of the tax receipts payable in ~~such the~~ following calendar year equal to the number of months and any major fraction of a month, excluding in ~~such the~~ calculation, ~~however,~~ any time falling within the summer recess, ~~during which~~ **when** the annexing school corporation provides ~~such the~~ educational facilities during ~~such the~~ following calendar year divided by nine (9).

[20-4-16-4] Sec. 38. ~~Sec. 4: In the event~~ **If** the annexing school corporation assumed the responsibility for providing educational facilities for only a part of the **school age** children ~~of school age~~ residing in the annexed territory during ~~any a~~ period, then ~~such the~~ school corporation shall receive a proportion of the amounts to be received by it under sections ~~2 36~~ and ~~3 37~~ of this chapter during ~~such the~~ period, equal to the proportion of ~~such the~~ children ~~with respect to~~ **which it assumes such responsibility, that the school corporation is**



1 **responsible for compared** to the total ~~of such~~ **number of** children in  
2 the annexed territory.

3 [20-4-16-5] Sec. 39. ~~Sec. 5:~~ (a) The governing bodies of the  
4 annexing and original school corporations may mutually agree upon a  
5 date ~~on which that~~ the annexing school corporation shall assume  
6 responsibility for providing facilities for all or a part of the **school age**  
7 children ~~of school age~~ residing in the annexed territory, and no  
8 payment provided in sections ~~2, 3, 36, 37,~~ and ~~4 38~~ of this chapter ~~shall~~  
9 **may** be made until ~~such the~~ annexing school corporation ~~shall have~~  
10 **has** assumed responsibility for providing ~~such~~ educational facilities.

11 **(b)** In the absence of ~~such an~~ agreement **described in subsection**  
12 **(a)**, the annexing school corporation shall assume responsibility for  
13 providing educational facilities on the first day of July ~~after the first~~  
14 ~~day of May next~~ succeeding ~~such the~~ annexation. ~~In no event shall~~ The  
15 payment under this chapter to the annexing school corporation, on  
16 account of taxes collected in the name of the original school  
17 corporation for ~~any a~~ calendar year, **may not** exceed the amount ~~which~~  
18 **that** would be due from the original school corporation to the annexing  
19 school corporation for transfer tuition for the ~~portion part~~ of ~~such the~~  
20 year ~~during which that~~ the children from the annexed territory were  
21 educated by the annexing school corporation, had ~~such the~~ children  
22 still been residents during ~~such the~~ time of the original school  
23 corporation.

24 ~~(b) (c)~~ **(c)** ~~Such The~~ amount of transfer tuition **in subsection (b)** shall  
25 be computed on the basis of the per capita cost of maintaining the  
26 school or schools of the annexing school corporation for the school  
27 year ending within the calendar year ~~for which that~~ tax receipts are to  
28 be paid to the annexing school corporation. ~~Such The~~ per capita cost  
29 shall be determined in the manner provided by the statutes of the state  
30 of Indiana governing the computation of transfer tuition costs.

31 [20-4-16-6] Sec. 40. ~~Sec. 6:~~ This chapter does not apply to ~~any an~~  
32 annexation by a ~~civil~~ city or town in a county having a population of  
33 more than one hundred forty-five thousand (145,000) but less than one  
34 hundred forty-eight thousand (148,000). This chapter does not require  
35 the transfer of ~~any~~ territory from one (1) school corporation to another  
36 in ~~such a~~ the county, as a result of ~~any an~~ annexation by a ~~civil~~ city or  
37 town in the county.

